LAWS

OF THE

STATE

OF

NEW-YORK.

FIFTEENTH SESSION.

NEW-YORK,

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LAWS

OF THE

STATE OF NEW-YORK,

Paſſed at the firſt Meeting of the Fifteenth Seſſion of the Legiſlature of the ſaid State.

CHAP. I.

A. D. 1792.
Ind. *U. S.* XVI.

An ACT *to authorize the Treaſurer to ſubſcribe to the Bank of New-York.*

Paſſed 12*th January*, 1792.

Preamble reciting the right of this State to ſubſcribe a certain number of ſhares to the bank of New-York.

WHEREAS by the act entitled "An act to incorporate the ſtockholders of the Bank of New-York," it is enacted, that this State ſhall have a right to ſubſcribe any number of ſhares to the ſaid Bank, not exceeding in the whole the number of one hundred, at any time when they ſhall by law authorize any perſon or perſons for that purpoſe, and the State ſhall have a right to increaſe the number of ſhares and ſtock, which the ſaid corporation may hold to the amount of the ſum to be ſubſcribed, if the number of ſhares therein limited ſhall be ſubſcribed before ſuch ſubſcription ſhall take place on the part of the State. And whereas the number of ſhares limited to the ſaid corporation have been already ſubſcribed, and it is conceived proper, that this State ſhould ſubſcribe one hundred ſhares to the ſaid Bank: Therefore

Treaſurer directed to ſubſcribe one hundred ſhares to the ſaid bank,

Be it enacted *by the People of the State of New-York, repreſented in Senate and Aſſembly, and it is hereby enacted by the authority of the ſame*, That it ſhall and may be lawful, to and for the Treaſurer of this State, and he is hereby authorized and directed, to ſubſcribe as ſoon as conveniently may be, for and in behalf of this State, one hundred ſhares to the ſaid Bank, and to pay for the ſame out of any monies in the Treaſury not otherwiſe appropriated.

Treaſurer to vote for directors in behalf of the State, and to receive dividends.

And be it further enacted by the authority aforeſaid, That it ſhall and may be lawful, to and for the Treaſurer of this State for the time being, from time to time to vote for directors of the ſaid Bank, for and in reſpect to the ſaid one hundred ſhares, for and in behalf of this State, and to receive the dividends and profits of the ſaid ſhares, and keep the ſame in the Treaſury of this State until diſpoſed of by law.

The number of ſhares in ſaid bank increaſed.

And be it further enacted by the authority aforeſaid, That the ſhares in the ſaid Bank, ſhall be, and hereby are increaſed from one thouſand eight hundred, being the number limited by the ſaid act, to one thouſand nine hundred ſhares, and that the ſtock of the ſaid Bank ſhall be, and hereby is increaſed fifty thouſand dollars, being the ſum to be paid for the ſaid one hundred ſhares, to be ſubſcribed by the Treaſurer for this State as aforeſaid.

CHAP. II.

An ACT *to repeal an Act, entitled "An Act to regulate Waggons in the County of Suffolk."*

Paſſed 20*th January*, 1792.

A certain act herein recited, declared to be repealed.

BE it enacted *by the People of the State of New-York, repreſented in Senate and Aſſembly, and it is hereby enacted by the authority of the ſame*, That the act entitled "An act to regulate Waggons in the County of Suffolk," paſſed the twenty-fourth day of March, one thouſand ſeven hundred and ninety one, be, and the ſame is hereby repealed.

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CHAP. III.

An ACT *for altering the times of holding the Courts in the Counties of Renſſelaer and Saratoga, and for an additional Term in each of the ſaid Counties. Paſſed the 20th day of January,* 1792.

Preamble.

WHEREAS it hath been repreſented to the Legiſlature, that the times of holding the courts of common pleas and general ſeſſions of the peace, in and for the counties of Renſſelaer and Saratoga are inconvenient, and that an additional term is requiſite in each of the ſaid counties: Therefore

Terms of the courts of common pleas and general ſeſſions of the peace for the county of Renſſelaer, altered.

Terms of the common pleas and their time of continuance.

Terms of the general ſeſſions and their continuance.

Be it enacted *by the people of the State of New-York, repreſented in Senate and Aſſembly, and it is hereby enacted by the authority of the ſame,* That the court of common pleas and general ſeſſions of the peace in and for the ſaid county of Renſſelaer, inſtead of the times now preſcribed by law for holding the ſame courts, ſhall, from and after the firſt day of July next, be holden as follows; that is to ſay: The ſaid courts of common pleas in and for the ſaid county of Renſſelaer ſhall be held on the ſecond Tueſday of November, the third Tueſday in February, and ſecond Tueſday in June, in every year, and may be continued until the ſeveral Saturdays next following, incluſive; and that the courts of general ſeſſions of the peace in and for the ſaid county of Renſſelaer ſhall be held on the ſecond Tueſdays in June and November, in every year, at the place where the court of common pleas ſhall be then holden, and may continue to be held until the end of that term of the ſame court of common pleas; and that the ſaid court of common pleas to be held in and for the ſaid county of Renſſelaer, on the ſecond Tueſday in November next, ſhall, at the end of the term, be adjourned to the third Tueſday in February then next; and that the ſaid court of general ſeſſions of the peace, to be held in and for the ſaid county of Renſſelaer, on the ſaid ſecond Tueſday in November next, ſhall, at the end of the ſaid term, be adjourned to the ſaid ſecond Tueſday in June then next.

Terms of the court of common pleas and general ſeſſions of the peace for the county of Saratoga, altered.

Terms of common pleas and their continuance.

Terms of general ſeſſions and their continuance.

And be it further enacted, by the authority aforeſaid, That the courts of common pleas and general ſeſſions of the peace, in and for the county of Saratoga, inſtead of the times now preſcribed by law for holding the ſame courts, ſhall, from and after the firſt day of July next, be holden as follows; that is to ſay: The ſaid courts of common pleas in and for the ſaid county of Saratoga ſhall be held on the third Tueſday in November, the laſt Tueſday in February, and third Tueſday in June, in every year, and may be continued until the ſeveral Saturdays next following, incluſive; and that the ſaid courts of general ſeſſions of the peace, in and for the ſaid county of Saratoga, ſhall be held on the third Tueſday of June, and laſt Tueſday in February, in every year, at the place where the court of common pleas ſhall be then holden, and may continue to be held until the end of that term of the ſame court of common pleas; and the ſaid court of common pleas and general ſeſſions of the peace, to be held in and for the ſaid county of Saratoga, on the third Tueſday in November next, ſhall, at the end of the term, be adjourned to the laſt Tueſday in February then next.

CHAP. IV.

An ACT *to explain an act, entitled, "An act for the more effectual prevention of fires, and to regulate certain buildings in the city of New-York. Paſſed 26th January,* 1792.

Preamble reciting a miſtake in the act here in mentioned, as to the time of its taking effect.

WHEREAS the act entitled, "An act for the more effectual prevention of fires, and to regulate certain buildings in the city of New-York," was intended to take effect on the firſt day of January, in the year of our Lord one thouſand ſeven hundred and ninety two, but by a miſtake in the ſaid act, the ſame took effect on the twenty fourth day of March, in the year of our Lord one thouſand ſeven hundred and ninety one, the day of paſſing the ſaid act. Therefore

All penalties incurred in conſequence of ſaid miſtake, remited.

And the time declared when it took effect.

Be it enacted *by the people of the State of New-York, repreſented in Senate and Aſſembly, and it is hereby enacted by the authority of the ſame,* That all fines, penalties, and forfeitures, for any offence or offences againſt the ſaid act committed, done, or ſuffered, at any time before the ſaid firſt day of January, in the year of our Lord one thouſand ſeven hundred and ninety-two, ſhall be, and hereby are remitted; and the ſaid act ſhall hereafter be adjudged to have taken effect on the ſaid firſt day of January, in the year of our Lord one thouſand ſeven hundred and ninety-two, and not before.

CHAP. V.

An ACT *to remove doubts concerning commiſſioners of Oyer and Terminer and Gaol Delivery. Paſſed 26th January,* 1792.

Preamble reciting that doubts have ariſen whether the commiſſioners of Oyer and terminer are not obliged to take certain oaths herein referred to, and whether their proceedings are not invalidated if they do not take ſaid oaths.

WHEREAS, in and by an act, entitled, "An act requiring all perſons holding offices or places under the government of this State to take the oaths therein mentioned," certain officers therein mentioned are required to take the oaths therein preſcribed: *And whereas* doubts have lately ariſen, whether commiſſioners of oyer and terminer and gaol delivery are not obliged to take ſome or one of the ſaid oaths, and whether their proceedings are not void in caſe they neglect to take the ſame: *And whereas* it is conceived that the commiſſioners in any commiſſion of oyer and terminer, not taking any or either of the oaths in the ſaid act mentioned, will not invalidate their proceedings: Therefore

Said doubts removed and their acts declared valid altho', they have not taken ſaid oaths.

Be it enacted *by the people of the State of New-York repreſented in Senate and Aſſembly, and it is hereby enacted by the authority of the ſame,* That no proceeding whatſoever already had, or hereafter to be had, before any commiſſioner named in any commiſſion of oyer and

terminer and gaol delivery, or either of them, already issued, or hereafter to be issued, shall be void or voidable, or in any manner impeached, for or by reason or on account of the commissioners therein named, or any or either of them not taking, or not having taken the oaths in the said act mentioned, or any or either of them; but that all and every indictment, process, proceeding, order, and judgment, had, made or given, or to be had, made, or given, by or before any commissioners named in any commission of oyer and terminer and gaol delivery, issued or to be issued, without taking any or either of the oaths in the said act mentioned, shall be as good, valid and effectual, to all intents and purposes, as if every of the said commissioners had taken the oaths prescribed in and by the said act, or any or either of them.

Persons named in commissions of oyer and terminer, who hold judicial offices need not take the oath.

And be it further enacted by the authority aforesaid, That it shall not be necessary for any commissioner of oyer and terminer and gaol delivery, or either of them, who doth or shall at the time of executing or acting in the execution of such commission, hold any judicial office in this State, to take any or either of the oaths mentioned in the said act, but every other person named in any such commission, shall before he takes his seat in court as a commissioner, take and subscribe the oath of abjuration and allegiance mentioned in the said act, and also the oath therein prescribed to be taken by judicial officers.

But every other person named therein must.

CHAP. VI.

An ACT *to prevent obstructions to Docks and Wharves in the City of Albany, and to encrease the number of Fire-Men in the said City. Passed the 4th of February*, 1792.

Certain kind of ballast or lading discharged on the docks or wharves of Albany, the master of the vessel to pay a penalty.

BE it enacted *by the People of the State of New-York, represented in Senate and Assembly, and it is hereby enacted by the authority of the same*, That from and after the first day of July next, if any ballast or lading, consisting of earth, gravel, stones or shells, shall be discharged from any vessel into the channel of Hudson's River opposite to the city of Albany, or into any dock, or upon any wharf within the said city, the master or commander, owner or owners of such vessel, shall for every such offence, forfeit and pay to the wharfinger having charge of such dock or wharf, the sum of ten shillings, to be recovered in the name of such wharfinger, before any court having cognizance of the same. *Provided nevertheless*, That ballast or lading of the description aforesaid, may by and with the consent of such wharfinger, be unladen and discharged into any such dock, or upon any such wharf, there to remain for such time as the wharfinger shall specify and limit.

Proviso, unless it be by consent.

A penalty to be paid in case said ballast is not removed, when the time of consent is expired.

And be it further enacted by the authority aforesaid, That if any master or commander, owner or owners, of any vessel, craft, boat or flat, having discharged any ballast or lading of the description aforesaid, upon any wharf, with the consent of the wharfinger having charge of the said wharf, shall neglect or refuse for the space of two days beyond the time so specified and limited as aforesaid, to remove the same, such master or commander, owner or owners, shall forfeit and pay to such wharfinger, the sum of ten shillings for every such neglect or refusal, to be recovered as aforesaid.

Recital.

And whereas it is represented, that the number of sixty firemen are insufficient for the city of Albany: Therefore

Number of fire-men in the city of Albany, to be encreased by the corporation.

BE it enacted *by the authority aforesaid*, That it shall and may be lawful, to and for the Mayor, Aldermen and Commonalty of the said city, in Common Council convened, to increase the number of firemen which have been appointed in pursuance of an act, entitled "An act for the better extinguishing fires in the city of Albany," to the number of eighty firemen, who shall be regulated and governed in the same manner, be liable to the same penalties, and entitled to the same privileges and exemptions as are mentioned in the said last mentioned act.

CHAP. VII.

An ACT *to authorize the Sheriff of the City and County of Albany, to remove the Prisoners from the Old to the New Gaol, lately erected in the said County. Passed the 4th of February*, 1792.

The new gaol erected in the city of Albany declared to be the county gaol.

BE it enacted *by the People of the State of New-York, represented in Senate and Assembly, and it is hereby enacted by the authority of the same*, That the gaol lately erected by law in the city and county of Albany, shall be the gaol of the said city and county.

Sheriff before a certain day to remove all the prisoners from the old to the new gaol.

And be it further enacted by the authority aforesaid, That the Sheriff of the city and county of Albany, shall on or before the thirty first day of March next, remove all the prisoners whether committed by process directed to the Sheriff of Albany, or by any court of justice in the same city and county, or by process directed to the Sheriff of either of the counties of Washington, Clinton, Rensselaer or Saratoga, or by any court of justice in either of the said counties, from the old gaol of the county of Albany, to the new gaol aforesaid, and there keep them, and each of them, in safe custody, until they are respectively discharged by due course of law.

Sheriff not to be liable to an action of escape for such removal.

And be it further enacted by the authority aforesaid, That neither the Sheriff of the city and county of Albany, nor the Gaoler of the said city and county of Albany, nor the Sheriffs of the counties of Washington, Clinton, Rensselaer or Saratoga, shall be liable to any action or actions of escape or other action at law, for the removal of the said prisoners,

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or either of them; and that if any action, bill, plaint, ſuit or information, ſhall be commenced or proſecuted againſt the ſaid Sheriff, for removing the ſaid priſoners, or either of them, in purſuance of this act, it ſhall be lawful for ſuch Sheriff to plead the general iſſue, and to give this act, and the ſpecial matter in evidence. And if the plaintiff or proſecutor, in any ſuch action, bill, plaint, ſuit or information, ſhall become non ſuit, or diſcontinue or ceaſe to proſecute the ſame, or if a verdict or judgment be given againſt him or her, the defendant ſhall recover double coſts, for which he ſhall have like remedy, as in other caſes where coſts are given by law to defendants.

And if any ſuch action ſhall be brought, Sheriff to plead the general iſſue.

And in caſe of non-ſuit, the defendant ſhall recover double coſts.

And be it further enacted by the authority aforeſaid, That in caſe any priſoner or priſoners ſhall eſcape from the cuſtody of the Sheriff of the ſaid city and county of Albany, during the time of his or her removal, and the ſheriff ſhall not retake ſuch priſoner or priſoners, and confine him her or them, in the gaol to which he ſhe or they ought to be removed by virtue of this act, within ſixty days next after ſuch eſcape made, the ſaid Sheriff ſhall be liable to all actions, for ſuch eſcape or eſcapes.

If any priſoner eſcapes during ſuch removal, the Sheriff to be liable to action of eſcape.

And be it further enacted by the authority aforeſaid, That the late gaol of the county of Albany aforeſaid, ſhall not after the thirty-firſt day of March aforeſaid, be deemed the gaol of the ſaid county.

The old gaol after a certain day no longer conſidered the gaol of the county.

And be it further enacted by the authority aforeſaid, That it ſhall and may be lawful for all courts and officers in the counties of Waſhington, Clinton, Renſſelaer and Saratoga, in all caſes civil and criminal, to confine their priſoners in the gaol of the county of Albany, lately erected as aforeſaid, until a gaol ſhall be provided in each of the ſaid counties reſpectively, any law to the contrary thereof in any wiſe notwithſtanding.

Priſoners of certain counties may be confined in Albany gaol.

CHAP. VIII.

An ACT *for building a Court-Houſe and Gaol in the County of Tioga.*

Paſſed the 18th February, 1792.

Preamble.

WHEREAS the judges, juſtices and ſuperviſors of the county of Tioga, have by their petition requeſted the Legiſlature, to enable them by law to raiſe a ſum of money, to build a court houſe and gaol in the ſaid county: Therefore

Be it enacted *by the People of the State of New-York, repreſented in Senate and Aſſembly*, That the ſuperviſors of the ſeveral towns in the ſaid county for the time being, or a major part of them, ſhall be, and they are hereby authorized and required, to direct to be raiſed and levied on the freeholders and inhabitants of the ſaid county, the ſum of three hundred pounds, for building a court houſe and gaol in the ſaid county, with an additional ſum of nine pence in the pound for collecting the ſame; which ſaid ſums ſhall be raiſed, levied and collected in like manner as the other neceſſary and contingent charges of the county, are levied and collected.

Supervisors of Tioga, to direct £. 300 to be raiſed and levied on the inhabitants for building a court houſe in ſaid county.

With an additional ſum of nine pence in the pound for collecting.

And be it further enacted, That the ſupervisors of the county of Tioga, or the major part of them, ſhall meet at the dwelling houſe of Nehemiah Spalding, near Nanticoke, in the ſame county, on the laſt Tueſday of May next, for the purpoſe of directing the ſaid ſum of three hundred pounds together with the poundage for collecting the ſame, to be raiſed and levied; and the clerk of the ſupervisors of the ſaid county is hereby directed to notify the ſupervisors of ſuch meeting.

Clerk of the county to notify ſupervisors when and where to meet for the purpoſe of raiſing ſaid ſum.

And be it further enacted, That the ſaid ſum of three hundred pounds, ſhall be collected and paid to the treaſurer of the ſaid county, on or before the firſt day of October, one thouſand ſeven hundred and ninety three.

Said ſum when to be collected and paid to county treaſurer.

And be it further enacted, That the ſupervisors and judges of the court of common pleas in the ſaid county, ſhall on the firſt Tueſday of May next, aſſemble together and appoint three commiſſioners, to ſuperintend the building of the court houſe and gaol aforeſaid, which ſaid gaol and court houſe ſhall be erected eaſt of Nanticoke Creek, at the place fixed by the juſtices and ſupervisors of the ſaid county, at a meeting for that purpoſe on the twelfth day of July laſt, upon ſuch plan as the ſaid commiſſioners or a majority of them ſhall think moſt conducive to the intereſt of the ſaid county; and that the ſaid commiſſioners or a majority of them, ſhall and may contract with workmen, and purchaſe materials for erecting the ſaid court houſe and gaol, and ſhall from time to time draw upon the treaſurer of the ſaid county, for ſuch ſums of money for the purpoſes aforeſaid, as ſhall come into the treaſury of the ſaid county by virtue of this act. And the ſaid treaſurer is hereby required out of the monies aforeſaid, to pay to the order of the ſaid commiſſioners, the ſeveral ſums to be by them drawn for as aforeſaid: and ſuch commiſſioners ſhall account with the ſupervisors of the ſaid county for the monies they ſo ſhall receive or draw for as aforeſaid, when thereunto required.

Supervisors and judges to meet on a certain day, and appoint commiſſioners to ſuperintend the building ſaid court houſe.

Said gaol where to be built and on what plan.

Said commiſſioners to contract with workmen, purchaſe materials &c.

And county treaſurer to pay the money to their order, and them to account for it.

And be it further enacted, That the court of common pleas and general ſeſſions of the peace for the ſame county, ſhall after the end of the term to be held on the fourth Tueſday in June next, be adjourned to and held at the dwelling houſe of Nehemiah Spalding, ſituate near Nanticoke Creek aforeſaid, until the court houſe aforeſaid ſhall be built, and fit for the reception of the ſaid court.

Court of common pleas and general ſeſſions for ſaid county, where to be held for the preſent.

And be it further enacted, That it ſhall and may be lawful for the treaſurer of the ſaid county, to retain in his hands the ſum of three pence in the pound, for his trouble in receiving and paying out the monies directed to be raiſed by this act.

Treaſurer to retain three pence in the pound for his trouble.

CHAP. IX.

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An ACT *to encreaſe the number of Fire-Men within the City of New-York.*
Paſſed the 18*th of February*, 1792.

Preamble reciting that the Corporation of New-York were empowered by a certain act to appoint 300 firemen.

WHEREAS in and by the ſtatute entitled "An act for the better extinguiſhing of fires in the city of New-York," the Mayor, Aldermen and commonalty of the city of New-York, in common council convened, or the major part of them, were authorized and required, to nominate and appoint a ſufficient number of ſtrong, able, diſcreet, honeſt and ſober men, willing to accept, not exceeding three hundred in number, of the inhabitants of the ſaid city, to be the fire-men of the city of New-York. *And whereas*, the ſaid city is conſiderably enlarged, and the number of fire engines belonging to the ſaid city is greatly increaſed and increaſing, and the preſent number of fire-men inſufficient to work the ſame, and otherwiſe conduct the extinguiſhing of fires in the ſaid city: Therefore

And that from the increaſe of the city that number is inſufficient.

Said corporation authorized from time to time to appoint 150 firemen more.

Be it enacted *by the People of the State of New-York, repreſented in Senate and Aſſembly*, That it ſhall and may be lawful to and for the Mayor, Aldermen and commonalty of the city of New-York, in common council convened, or the major part of them, from time to time to nominate and appoint, ſuch further number of able, diſcreet, honeſt and ſober men, of the inhabitants of the ſaid city, as they ſhall deem neceſſary for the purpoſe, not exceeding one hundred and fifty in the whole, to be added to the number of the fire-men of the city of New-York, in like manner as directed in and by the above in part recited act. Which ſaid fire-men ſo to be nominated and appointed by virtue of this act, ſhall be entitled to the ſame privileges and exemptions, be ſubject to the like rules, orders, ordinances and regulations, and liable to the ſame fines, penalties and forfeitures, which the fire-men appointed or to be appointed by virtue of the ſaid in part recited act, are entitled, ſubject or liable to.

Said additional firemen to have the ſame privileges and exemptions as the other firemen.

And be it further enacted, That it ſhall and may be lawful, to and for the Mayor, Aldermen and commonalty of the city of New-York, in common council convened, or the major part of them, to remove and diſplace all or any of the fire-men, to be nominated and appointed by virtue of this act, when and as often as they ſhall think fit, and others in their room to nominate and appoint, and ſo from time to time, as they the ſaid Mayor, Aldermen and commonalty of the ſaid city, in common council convened for the time being, ſhall think proper.

Corporation in their diſcretion may diſplace or remove any of the firemen, and appoint others in their ſtead.

CHAP. X.

An ACT *to enable the Mayor, Recorder and Aldermen of the City of New-York, to order the raſing Monies by Tax for the Maintenance of the Poor, and for defraying the other contingent expences ariſing in the City and County of New-York.*
Paſſed the 18*th of February*, 1792.

Corporation of New-York empowered, as ſoon after the paſſing of this act as may be, to raiſe 8£00l. by tax, for the ſupport of the poor of New-York, bridewell, criminals, and repairing the ſtreets, &c

Be it enacted *by the People of the State of New-York, repreſented in Senate and Aſſembly*, That the Mayor, Recorder and Aldermen of the city of New-York, or the major part of them, of whom the Mayor or Recorder to be one, ſhall be, and hereby are fully authorized and impowered as ſoon as conveniently may be, after the paſſing of this act, to order the raiſing a ſum not exceeding eight thouſand ſix hundred pounds, by a tax on the eſtates real and perſonal, of the freeholders and inhabitants within the city and county of New-York, to be applied to the ſupport and maintenance of the poor of the ſaid city and county, the Bridewell, and the criminals from time to time confined in the priſon of the ſaid city and county, and to the repairing and maintaining the public roads, regulating and improving the ſtreets, and for paying the other contingent expences ariſing within and properly chargeable to the ſaid city and county.

Corporation empowered to raiſe a further ſum of 2400l. to compleat the battery, and make certain improvements.

And be it further enacted, That it ſhall and may be lawful, for the Mayor, Recorder and Aldermen aforeſaid, or the major part of them, of whom the Mayor or Recorder to be one, as ſoon as conveniently may be, after the paſſing of this act, to order the raiſing a further ſum not exceeding two thouſand four hundred pounds, to be aſſeſſed raiſed and collected, in the manner aforeſaid, to be applied to compleating the improvements at the battery and about the government houſe, and making improvements in front of the gaol, alms houſe and bridewell in the ſaid city.

And a further ſum of 5c00l. for paying watchmen, lighting and repairing lamps, &c.

And be it further enacted, That it ſhall and may be lawful, for the Mayor, Recorder and Aldermen aforeſaid, or the major part of them, of whom the Mayor or Recorder to be one, as ſoon as conveniently may be after the paſſing of this act, to order the raiſing a further ſum not exceeding five thouſand pounds, by a tax on the eſtates real and perſonal, of the freeholders and inhabitants within the ſaid city, on the ſouth ſide of a line beginning at the outlet of the meadows of Anthony Liſpenard, into Hudſons River; thence extending to and along the north ſide of the dwelling houſe of Nicholas Bayard; thence to and along the north ſide of the dwelling houſe of Morgan Lewis, Eſquire, and thence to and along the north ſide of the dwelling houſe late of Abraham Cannon, to the Eaſt River, to be applied to the payment of ſo many watchmen, as the Mayor, Aldermen and commonalty of the ſaid city, in common council convened, ſhall from time to time think neceſſary for guarding the ſaid city; and alſo the purchaſing Oil, providing Lamps, and repairing and attending the Lamps, which now are, and from time to time hereafter may be erected

within the ſaid city; and for the payment of ſuch other contingent charges of the ſaid city, ariſing within the limits above mentioned, and properly chargeable thereto, as the Mayor, Aldermen and commonalty of the ſaid city, in common council convened, ſhall from time to time think neceſſary, and from time to time direct. Which ſaid ſeveral ſums of money, ſhall be rated and aſſeſſed according to the eſtate of each reſpective perſon ſo to be taxed, and be collected in one payment, and paid into the hands of the treaſurer or chamberlain of the ſaid city, at ſuch time as the ſaid Mayor, Recorder and Aldermen or a major part of them, ſhall direct and appoint, any thing in the ſecond ſection of the ſtatute entitled "An act for the more effectual collection of taxes in the city and county of New-York," contained to the contrary notwithſtanding.

Said ſeveral ſums how to be rated, collected and paid.

And be it further enacted, That it ſhall and may be lawful, for the collectors in the ſeventh ward of the ſaid city, to retain in their hands the ſum of *one ſhilling* in the pound, and the collectors in the ſeveral other wards, the ſum of *nine pence* in the pound, and no more, for their trouble in collecting and paying to the treaſurer or chamberlain of the ſaid city, ſuch ſums of money as ſhall be raiſed by virtue of this act; and that it ſhall and may be lawful, for the ſaid treaſurer or chamberlain to retain in his hands the ſum of *two pence* in the pound, and no more, for his trouble in receiving and paying the ſaid monies.

Collectors of the different wards to retain a certain allowance in their hands for their trouble in collecting, receiving, and paying ſaid monies.

CHAP. XI.

An ACT *to authorize the Corporation of the Reformed Proteſtant Low Dutch Church at New-Utrecht, in Kings County, to ſell and diſpoſe of certain Lands for the benefit of the ſaid Church.* *Paſſed the 18th of February*, 1792.

Preamble.

WHEREAS the Truſtees of the Reformed Proteſtant Low Dutch Church at New-Utrecht, in Kings county, have, by their petition to the Legiſlature, prayed for leave to ſell, for the benefit of the ſaid Church, certain lands belonging to the ſaid Church in the town of New-Utrecht aforeſaid: Therefore

Truſtees of the Dutch church at New Utrecht empowered to ſell their lands for the benefit of ſaid church.

Be it enacted *by the People of the State of New-York, repreſented in Senate and Aſſembly*, That full power, good right and lawful authority, ſhall be, and hereby is granted to the truſtees of the ſaid church, to ſell and alien in fee, all right and title belonging to the ſaid church, or veſted in them as its truſtees, of and in all ſuch lands, ſituate lying and being in the town of New-Utrecht, in Kings county, as they ſhall from time to time, deem neceſſary for the advancement of the intereſt, and promoting the proſperity of the ſaid church.

Proviſo:

Provided always, That the lands ſo to be ſold, by virtue of this act, ſhall not exceed in quantity twenty-ſix acres.

CHAP. XII.

An ACT *for the better laying out and keeping in repair the public Highways and private Roads in the County of Weſtcheſter.* *Paſſed the 24th of February*, 1792.

Inhabitants of the ſeveral towns in Weſtcheſter county, at their annual town meetings, to elect commiſſioners to lay out and regulate their roads.

Be it enacted *by the People of the State of New-York, repreſented in Senate and Aſſembly*, That from and after the paſſing of this act, the freeholders and inhabitants of the reſpective towns in the county of Weſtcheſter, ſhall be, and hereby are authorized and required, at their annual town meetings for electing town officers, to chooſe and elect not leſs than three nor more than five freeholders, as may be determined by a majority of votes at their annual town meetings, to be commiſſioners to lay out and regulate the roads, highways and road diſtricts, in the towns for which they ſhall ſo reſpectively be choſen; and alſo as many overſeers of the highways as there ſhall be road diſtricts in the ſaid town, whoſe duty it ſhall be to overſee and keep in repair the roads and highways within the ſeveral diſtricts for which they ſhall be elected; and the perſons ſo to be choſen commiſſioners or overſeers, are hereby required to execute their ſaid offices reſpectively.

And to elect as many overſeers of the highways as there ſhall be road diſtricts in each town.

Commiſſioners of each town directed to regulate, alter, or lay out new roads, according to their diſcretion.

And be it further enacted, That the commiſſioners of each reſpective town in the ſaid county, or a major part of them, are hereby authorized and required to regulate the roads already laid out, and if any of them ſhall appear inconvenient and an alteration neceſſary, to alter the ſame in ſuch manner, as they or the major part of them ſhall judge neceſſary and convenient, and alſo to lay out ſuch other public highways and roads, as they ſhall judge neceſſary, as well for the convenience of travellers as for the inhabitants of ſuch town.

Proviſo. Where any road ſhall be laid out through any improved lands, the owner ſhall be paid the value of the land, and the damages he may ſuſtain.

Value of ſaid land and damages how to be ſettled and paid.

Provided neverthelefs, That where any road ſhall be altered or laid out, through any encloſed or improved lands, the owner or owners thereof ſhall be paid the value of the lands ſo laid out into an highway or road, with ſuch damages, as he, ſhe or they may ſuſtain by reaſon thereof, which value and damages may be ſettled and agreed upon by the commiſſioners and the parties intereſted therein; and if they cannot agree, then the value of the lands and damages ſhall be ſet and appraiſed by two juſtices of the peace, and by the oaths of twelve reputable freeholders, not intereſted in paying or receiving any part of ſuch apprizal, otherwiſe than in paying his proportion of tax for the contingent charges of the county; which freeholders ſhall be ſummoned by any conſtable not otherwiſe intereſted than as aforeſaid, by virtue of a warrant to be iſſued by the ſaid two juſtices of the peace for that purpoſe, and if any road within any ſuch town ſo laid out, be a common or public highway, the whole value of the lands ſo laid out into an highway and damages,

together with the charges of the commiſſioner and the coſts of aſcertaining the value and damages ſhall be paid as the other contingent charges of the ſaid county are paid. But if the road ſo to be laid out, be a road for the particular convenience of one town, or a private road for the convenience of one or more perſons, in ſuch caſe, ſuch town or the perſon or perſons requiring the ſame, ſhall pay and defray the whole of ſuch value and damages, coſts and charges, as were occaſioned by the laying out of ſuch road; and when any ſuch road or highway ſhall be ſo laid out and appraiſed, it ſhall be lawful for any one juſtice of the peace of the county, or any one of the commiſſioners of the town in which ſuch road ſhall be laid out, to order the overſeer or overſeers of the road diſtrict or diſtricts, in which ſuch road is, to open and work the ſame.

Which road, when laid out and appraiſed, ſhall be opened and worked.

Provided always, That no private road ſhall be laid out through any orchard or garden, without the conſent of the owner or owners.

Proviſo. No private road to be laid out thro' an orchard or garden.

And be it further enacted, That all public roads to be laid out by virtue of this act, ſhall not be leſs than four rods wide; and that the commiſſioners of the reſpective towns ſhall, from time to time, cauſe to be entered, on the town records, all ſuch roads or highways as by them ſhall be laid out or altered; and that if any perſon or perſons ſhall alter or obſtruct any highway or road already laid out, or to be laid out or altered by virtue of this act, ſuch perſon or perſons ſo offending ſhall forfeit, for every ſuch offence, the ſum of forty ſhillings, to be ſued for and recovered by the overſeer of the road diſtrict in which ſuch obſtruction or alteration ſhall be, in an action of debt, with coſts, and when recovered, to be paid into the hands of the town-clerk, ſubject to the diſpoſition of the commiſſioners of ſuch town; and if any tree ſhall fall out of any incloſed or improved lands, acroſs or into any public road or highway, the owner or poſſeſſor of ſuch lands ſhall remove the ſame within forty eight hours after the ſame be ſo fallen, or be liable to a fine of ten ſhillings for every day ſuch owner or poſſeſſor ſhall neglect to remove the ſame, after notice given by any perſon whomſoever, to be recovered and applied in manner aforeſaid.

Public roads to be not leſs than four rods wide, and to be entered on the town records.

Penalty for obſtructing roads, how to be ſued for, recovered and applied.

If any tree ſhall fall into any road, the owner to remove the ſame, or be liable to a fine of ten ſhillings.

And be it further enacted, That the reſpective overſeers of the road diſtricts ſhall, within fourteen days after their election, deliver a liſt, ſubſcribed by ſuch overſeers, to the clerk of the town in which ſuch overſeers reſide, containing the names of all the inhabitants poſſeſſing real or perſonal property, and reſiding in their reſpective diſtricts; and alſo of every other able bodied free male perſon above the age of twenty one years. And the reſpective commiſſioners of each town, or a majority of them, ſhall, within ſixteen days after their being elected, meet together at the place of their reſpective elections, and the clerk of each town ſhall deliver to the commiſſioners of their reſpective towns, the returns made by the overſeers of the road diſtricts; and thereupon the ſaid commiſſioners ſhall proceed to aſſeſs and affix to each perſon's name ſo returned ſuch ſum or ſums of money as they, or the major part of them, ſhall judge neceſſary for keeping in repair the roads for that year, in the diſtrict where ſuch perſons dwell; and the ſaid commiſſioners, in making ſuch aſſeſſment, ſhall have reſpect to the eſtate and ability of the perſon ſo aſſeſſed.

Overſeers of the road diſtricts, within a certain time, to deliver to the town clerk a liſt of all the freeholders and able bodied freemen in their diſtricts.

And the commiſſioners of each town to meet and aſſeſs to each perſon's name on ſaid liſt, which is to be delivered to them, ſuch ſum as they may think neceſſary to repair the roads for one year.

Provided, That no able bodied freeman ſhall be aſſeſſed leſs than four ſhillings; and the ſaid commiſſioners, after having made and ſubſcribed their names to ſuch aſſeſſment, and cauſed copies thereof to be filed with the clerk of the town, ſhall deliver ſuch liſts and aſſeſſments to the overſeers of each reſpective road diſtrict, who ſhall have returned the ſame, in manner herein before directed.

No perſon to be aſſeſſed leſs than four ſhillings; and the aſſeſſment, when made, to be filed with the town clerk, and copies with the overſeers.

And whereas there may be in ſome of the road diſtricts, large bridges, and other repairs neceſſary to be made, which would be too great a burden for the inhabitants of ſuch diſtrict: Therefore

Reciting that large bridges may be neceſſary in ſome of the diſtricts.

Be it enacted, That if a majority of the commiſſioners of either of the reſpective towns ſhall judge it neceſſary to raiſe a further ſum than ſhall have been aſſeſſed on the inhabitants of the diſtricts in ſuch town, for building large bridges, and making ſuch other repairs as the commiſſioners, or a majority of them ſhall judge ought to be made at the expence of ſuch town, they ſhall meet together, and agree upon the ſum neceſſary to be raiſed for that purpoſe, and ſhall deliver a certificate of ſuch ſum to the ſuperviſor of the town, who ſhall lay the ſame before the ſuperviſors of the county, at their next annual meeting, for raiſing the contingent charges of the county, who ſhall cauſe the ſame to be aſſeſſed and collected from the freeholders and inhabitants of ſuch town, in the ſame manner as the contingent charges of the county are raiſed; and when collected, to be paid into the hands of the clerk of the town, who ſhall pay the ſame to the overſeer or overſeers of the road diſtricts, when required, by an order from a majority of the commiſſioners of the ſaid town. *Provided* the commiſſioners of any town ſhall not cauſe to be raiſed in one year more than the ſum of one hundred pounds for the purpoſes laſt mentioned.

When that is the caſe, commiſſioners may raiſe a further ſum of money, as herein directed.

And be it further enacted, That it ſhall be the duty of the reſpective overſeers of road diſtricts, in the reſpective towns, to collect and apply two thirds of all the money aſſeſſed in each reſpective year in repairing the roads in the diſtricts in which it was collected, on or before the twentieth day of June, and the other remaining third on or before the firſt day of November in each reſpective year.

Overſeers to collect and lay out the monies in certain proportions, and within certain times.

And be it further enacted, That the overſeers of the ſeveral road diſtricts in the reſpective towns ſhall work and repair the roads in their ſeveral diſtricts, in ſuch manner as they ſhall be directed by the commiſſioners; and if the roads ſhall be impaired by heavy rains, or otherwiſe, ſo as to render them inconvenient, any juſtice of the peace of the county, or commiſſioner in any ſuch town, having notice thereof, ſhall order the overſeer or overſeers of ſuch diſtrict or diſtricts to amend and repair the ſame; and the overſeer of any diſtrict where the road ſhall be ſo impaired, ſhall, within two days after ſuch notice, cauſe ſuch road to be well repaired.

Overſeers in working the roads, to follow the directions of the commiſſioners.

And when any roads are impaired by heavy rains, a juſtice or commiſſioner may order the overſeer to repair them.

A. D. 1792.
Ind. U. S. XVI.

How extra repairs are to be made when the money aſſeſſed is all expended

Provided, That if the money aſſeſſed on the inhabitants of the diſtrict ſhall be expended before extra repairs become neceſſary, then, and in that caſe, the neceſſary expenditure of making ſuch repairs ſhall be paid out of the monies which may be in the hands of the town clerk of the town where ſuch repairs ſhall have been made.

Overſeers to keep a juſt account of all monies collected and expended on the roads, and exhibit them to the ſupervisors.

Who are to meet at a certain day and place, and audit the ſame, and if any money remains with the overſeer, it ſhall be paid to the town clerk.

And be it further enacted, That the reſpective overſeers of road diſtricts ſhall keep a juſt and true account of all the monies collected or laid out within their reſpective diſtricts, and from whom collected; and ſhall exhibit ſuch accounts before the ſupervisor and town clerk of their reſpective towns; and the ſaid ſupervisor and clerk of the reſpective towns are hereby required to meet together on the laſt Tueſday of March, in every year, at the place of the laſt election for town officers, and being ſo met, ſhall audit and ſettle the accounts of ſuch overſeers of the road diſtricts as ſhall lay their accounts before them; and if, upon ſuch ſettlement, any money ſhall remain in the hands of any of the overſeers of the road diſtricts, they ſhall pay the balance into the hands of their reſpective town clerk; which money ſhall remain in his hands, ſubject to be drawn out by the commiſſioners, as is directed in and by this act; and if any of the ſaid overſeers ſhall have neglected to collect the whole amount of the monies aſſeſſed on the inhabitants of their diſtrict, they ſhall be anſwerable to the clerk of the town for the whole of ſuch deficiency, unleſs they ſhall produce, at the time of ſuch ſettlement, a receipt from the conſtable of ſuch town for their warrant iſſued and delivered for the collection of ſuch deficiencies; and the conſtables reſpectively are hereby directed and required to purſue the ſame meaſures to collect the money required to be collected by ſuch warrant, as they are directed to purſue in collecting money due on executions, by virtue of an act entitled, "An act for the more ſpeedy recovery of debts to the value of ten pounds, and be ſubject to the like penalty for neglect of duty as they are ſubjected to for neglect of duty in and by the ſaid act.

Overſeers anſwerable for all deficiencies of money in their diſtrict, unleſs they have iſſued their warrant for collecting it.

How the conſtables are to collect the monies in purſuance of ſuch warrants.

Provided always, That if any money ſhall be due on any ſuch warrant, iſſued by any overſeer of any road diſtrict, at the ſettlement of ſuch overſeer with the ſupervisor and town clerk, then and in every ſuch caſe, the ſaid conſtable ſhall be anſwerable to the town clerk in the ſame manner as he is to the party agrieved in and by the ſaid laſt recited act.

All monies due on ſuch warrants, at the ſettlement of accounts, to be anſwered for by conſtable.

And be it further enacted, That in caſe any public road or highway leading to any place of embarkation, or any new road ſhall be required to be laid out, ſuch public road or highway ſhall be continued from town to town, and through the ſame, as ſtreight and direct as the nature of the ground will admit. And that ſuch public road or highway may be eſtabliſhed, or being eſtabliſhed, may be altered ſo as to be more generally convenient, and uſeful to the inhabitants of the reſpective towns, through which the ſame may paſs, it ſhall and may be lawful for the commiſſioners of the town, which require the ſaid road to be laid out or altered, by writing under their hands to appoint and ſummon a general meeting of all the commiſſioners of the reſpective towns through which the road propoſed ſhall extend, at any time not leſs than ten days, or more than twenty days after the ſervice of notice on the ſaid commiſſioners, and at ſuch convenient place in that town, which ſhall be moſt central to the uſual reſidence of the major part of ſuch commiſſioners; and the ſaid commiſſioners are hereby directed and required, to meet and attend according to ſuch appointment, and when the ſaid commiſſioners ſo convened, ſhall have conſulted together and deliberated upon the ſubject of the ſaid meeting, they ſhall then proceed to lay out the high way or road required, from town to town, and in the beſt and moſt advantageous manner for public and general utility and convenience, that is to ſay, the commiſſioners of each reſpective town, ſhall lay out that part of the intended road which extends through the town, of which they are reſpectively commiſſioners; and the ſame ſo being laid out, ſhall be certified returned and recorded as a public road or highway, in manner directed in and by this act, and ſhall be maintained in each reſpective town; but if a majority of the commiſſioners of any or either of the ſaid towns ſo met and aſſembled, ſhall diſapprove of and not conſent to the place or places, where any part of ſuch road ſhall be propoſed to be laid out, and propoſe any other place or places for the ſame, to which the commiſſioners of the town through which that part of the road is to paſs, or a majority of them do not conſent and agree, then and in every ſuch caſe, a deſcription ſhall be made in writing, ſigned by all the commiſſioners preſent, of both the roads propoſed, and it ſhall be lawful for three or more of the ſaid commiſſioners to apply to any two juſtices of the peace of the ſaid county, not reſiding or holding lands in that town through which the road in controverſy ſhall paſs, or in the town for which ſuch road ſhall be required; and ſuch juſtices are hereby authorized and directed, thereupon to iſſue their precept to the Sheriff of the ſaid county, commanding him to ſummon a jury of twelve good and ſufficient freeholders of the ſaid county, not intereſted in the courſe of the ſaid road, who being duly ſworn for that purpoſe, ſhall enquire and give their verdict, which of the roads in controverſy will be the beſt, and the moſt commodious as a public highway; and an inqueſt being thereof made, under the hands and ſeals of the ſaid juſtices and jurors, ſhall be final and concluſive, according to which the road ſhall be laid out, certified and returned as a public road, by the reſpective commiſſioners of ſuch towns through which it ſhall extend, and the return thereof together with the ſaid inquiſition being filed in the clerks office of the county, and entered of record, the ſaid road ſhall be deemed and eſteemed a public road or highway, to all intents and purpoſes, and be ſupported and maintained in the reſpective towns through which the ſame ſhall extend, in the ſame manner as the other highways in ſuch town are directed and required to be maintained and ſupported by this act; which inqueſt ſhall be at the expence of the town the commiſſioners of which ſhall have refuſed to lay out the ſaid road in the direction found by ſuch inqueſt, and ſuch expence ſhall be paid out of the monies raiſed in ſuch town in purſuance of this act.

Roads leading to places of embarkation, &c to be continued as ſtraight as poſſible from town to town.

When public roads are to be eſtabliſhed or altered, a mode pointed out for deciding on the ſame.

And when ſo decided on, the commiſſioners to lay out the ſame through their reſpective towns, and return them on the records as public roads.

When the commiſſioners cannot agree on the place for laying out a road, the mode to be followed for deciding thereon.

Provided always, That if any ſuch road, ſo altered or laid out, ſhall paſs through any incloſed or improved lands, the proprietor thereof ſhall be ſatisfied and paid therefor, as directed by the ſecond enacting clauſe of this act.

Proviſo.

And be it further enacted, That the commiſſioners of the reſpective towns, or a major part of them, ſhall, if needful, on the laſt Tueſday in March, in each year, meet together, and by writing under their hands, to be lodged with the town clerk, and entered in the town book, divide their reſpective towns into as many diſtricts as they ſhall judge convenient; for each of which diſtricts there ſhall be annually choſen one overſeer of highways; and if any vacancy of overſeers ſhall happen, by death or otherwiſe, in any ſuch caſe the commiſſioners of ſuch towns reſpectively, or a major part of them, ſhall and are hereby impowered to appoint ſome other fit perſon in ſuch diſtrict or diſtricts, as overſeer or overſeers; and the overſeer or overſeers, ſo appointed, ſhall have the ſame powers, and be ſubject to the ſame penalties, as overſeers choſen by virtue of this act are ſubject to, until the next annual day of election.

Commiſſioners of the reſpective towns on a certain day, annually to meet and divide their towns into diſtricts.

And be it further enacted, That the reſpective overſeers of the road diſtricts ſhall be allowed four ſhillings per day, in their reſpective ſettlements with the ſuperviſor and town clerk, for each and every day they ſhall have been neceſſarily employed in repairing the roads in their reſpective diſtricts.

Allowance to the overſeers for their ſervices.

And be it further enacted, That the commiſſioners of the reſpective towns ſhall ſeverally be entitled to receive the ſum of five ſhillings for each day either of them reſpectively ſhall be neceſſarily employed in performing the duties enjoined on them by this act, to be raiſed and paid by their reſpective towns, in the ſame manner as the other contingent charges are raiſed and paid.

Allowance to the commiſſioners for their ſervices.

And be it further enacted, That if the overſeer of either of the road diſtricts ſhall neglect or refuſe to perform any of the reſpective duties required of them by this act, in repairing of the roads, the overſeer or overſeers, ſo neglecting or refuſing, ſhall forfeit and pay, for every ſuch offence, the ſum of forty ſhillings, to be recovered by action of debt, with coſts, in the name of the clerk of the town in which ſuch offence was committed; and the ſaid clerk is hereby required to ſue for the ſame.

Penalty on overſeers for neglect of duty.

And be it further enacted, That the act entitled, "An act for the better laying out, regulating, and keeping in repair, all common and public highways and private roads in the counties of Ulſter, Orange, Dutcheſs, Waſhington, Weſtcheſter, Albany, and Montgomery, paſſed the 4th of May, 1784, and the act entitled, "An act to amend the aforeſaid act, paſſed the 20th of April, 1787, ſo far as they reſpect the county of Weſtcheſter, be, and they are hereby repealed. *Nevertheleſs*, the ſaid acts are hereby declared to extend to, and be in full force and effect in the counties of Columbia, Ontario, Clinton, Herkemer, Saratoga, Otſego, Tioga, and Renſſelaer.

A certain act relative to high roads as far as it relates to Weſtcheſter county, repealed.

CHAP. XIII.

An ACT *to incorporate the Truſtees of the Albany Library.*

Paſſed the 24th February, 1792.

Preamble reciting that Abraham Ten Broeck and others, truſtees of the Albany library, had prayed to be incorporated.

WHEREAS Abraham Ten Broeck, Stephen Van Renſſelaer, James Fairlie, Goldſbrow Banyar, William Van Ingen, William Banyar, Gerrit W. Van Schaick, John G. Van Schaick, John D. P. Ten Eyck, Thomas Elliſon, Robert R. Henry, Jacob Ja. Lanſing, Theodorus V. W. Graham, Henry Cuyler, Jeremiah Van Renſſelaer, John Stevenſon, John M'Clallen, Jacob Van Der Heyden, Thomas Barry, Samuel Stringer, Abraham A. Lanſing, Robert M'Gregor, Stephen Luſh, John D. P. Douw, Barent T. Ten Eyck, Robert Henry junior, Simeon De Witt, Thomas W. Ford, Daniel Hale, David Fonda, Iſaac Hutton, William M'Clalland, Cornelius Glen, Leonard Ganſevoort, Philip S. Van Renſſelaer, John Taylor, Barent Bleecker, Abraham Hun, John Baſſett, Abraham G. Lanſing, Dudley Walſh, Barent G. Staats, Elkanah Watſon, Harmanus P. Schuyler, Thaddeus Pomeroy, Hunloke Woodruff, Cornelius Van Schelleyne, James Vernor, Leonard Ganſevoort, junior, John M'Donald, Robert Lewis, James Van Ingen, Volkert S. Veeder, Charles D. Cooper, Philip Schuyler, John B. Schuyler, Nicholas Fonda, John N. Bleecker, John V. Henry, Stewart Deane, Peter Ganſevoort, junior, Dirck Ten Broeck, John Lanſing, junior, Sanders Lanſing, John Robinſon, John Jauncey, Sebaſtian Viſcher, Robert Yates, Elbert Willet, Killian K. Van Renſſelaer, Henry Bleecker, Henry Glen, John Ten Broeck, Richard Edwards, Francis Bloodgood, George Webſter, Henry Gueſt, Charles R. Webſter, Jacob Wright, Francis Follett, Renſſelaer Weſterlo, Abraham Van Veghten, John D. Dickinſon, James Gordon, Elihu Chauncey Goodrich, Jacob R. Van Renſſelaer, and Abraham Ten Eyck, did, by petition, repreſent to the legiſlature, that they had become ſubſcribers to, and had aſſociated for the purpoſe of eſtabliſhing a public library in the city of Albany; that the ſaid ſubſcribers had appointed Abraham Ten Broeck, John Lanſing, junior, Philip Schuyler, Stephen Van Renſſelaer, Jeremiah Van Renſſelaer, Thomas Elliſon, John M'Donald, James Fairlie, Daniel Hale, Hunloke Woodruff, Goldſbrow Banyar, and Stephen Luſh, truſtees for the ſaid library, ſo to remain until the firſt Saturday in May next, with power among other things to appoint a treaſurer for the ſaid library; that the truſtees aforeſaid, purſuant to the power in them veſted by the ſaid ſubſcribers, had appointed James Van Ingen treaſurer of the ſaid library; that each of the ſaid ſubſcribers, had paid to the ſaid treaſurer, the ſum of five pounds for each right ſuch ſubſcriber held therein, and that each of the ſaid ſub-

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ſcribers had by their aſſociation for the purpoſe aforeſaid, agreed to pay to the treaſurer of the ſaid library annually, the ſum of twenty ſhillings for each right by them reſpectively held in the ſaid library, for the term of five years, to be computed from the ſixteenth day of January, one thouſand ſeven hundred and ninety, and annually for ever thereafter, the ſum of ten ſhillings for every ſuch right; and thereupon the ſaid ſubſcribers, in and by their ſaid petition prayed, that for promoting the object of ſuch aſſociation as aforeſaid, the ſubſcribers to the ſaid library might be incorporated on principles as nearly as might be correſpondent with their original aſſociation, a copy whereof accompanied the ſaid petition: Therefore in compliance with the prayer of the ſaid petition.

Said Ten Broeck and others, incorporated by the name of the truſtees of the Albany library;

Be it enacted *by the People of the State of New-York, repreſented in Senate and Aſſembly, and it is hereby enacted by the authority of the ſame,* That the ſaid Abraham Ten Broeck, Stephen Van Renſſelaer, James Fairlie, Goldſbrow Banyar, William Van Ingen, William Banyar, Gerrit W. Van Schaick, John G. Van Schaick, John D. P. Ten Eyck, Thomas Elliſon, Robert R. Henry, Jacob Ja. Lanſing, Theodorus V. W. Graham, Henry Cuyler, Jeremiah Van Renſſelaer, John Stevenſon, John M'Donald, John M'Clellen, Jacob Van Der Heyden, Thomas Barry, Samuel Stringer, Abraham A. Lanſing, Robert M'Gregor, Stephen Luſh, John D. P. Douw, Barent T. Ten Eyck, Robert Henry, junior, Simeon De Witt, Thomas W. Ford, Daniel Hale, David Fonda, Iſaac Hutton, William M'Clelland, Cornelius Glen, Leonard Ganſevoort, Philip S. Van Renſſelaer, John Taylor, Barent Bleecker, Abraham Hun, John Baſſett, Abraham G. Lanſing, Dudley Walſh, Barent G. Staats, Elkanah Watſon, Harmanus P. Schuyler, Thaddeus Pomeroy, Hunloke Woodruff, Cornelius Van Schelleyne, James Vernor, Leonard Ganſevoort, junior, Robert Lewis, James Van Ingen, Volkert S. Veeder, Charles D. Cooper, Philip Schuyler, John B. Schuyler, Nicholas Fonda, John N. Bleecker, John V. Henry, Stewart Dean, Peter Ganſevoort, junior, Dirck Ten Broeck, John Lanſing, junior, Sanders Lanſing, John Robiſon, John Jauncy, Sebaſtian Viſſcher, Robert Yates, Elbert Willet, Killian K. Van Renſſelaer, Henry Bleecker, Henry Glen, John Ten Broeck, Richard Edwards, Francis Bloodgood, George Webſter, Henry Gueſt, Charles R. Webſter, Jacob Wright, Francis Follet, Renſſelaer Weſterlo, Abraham Van Veghten, John D. Dickenſon, James Gordon, Elihu Chauncey Goodrich, Jacob R. Van Renſſelaer, and Abraham Ten Eyck, and ſuch other perſons as ſhall be hereafter admitted members of the corporation hereby erected, be, and hereby are ordained, conſtituted and declared, to be one body corporate and politic, in fact and in name, by the name of "*The Truſtees of the Albany Library*," and by that name, they and their ſucceſſors, ſhall and may for ever hereafter, have perpetual ſucceſſion, and ſhall and may by the ſame name, be perſons capable in the law, to ſue and be ſued, implead and be impleaded, anſwer and be anſwered unto, defend and be defended, in all courts and places whatſoever, in all manner of actions, ſuits, complaints, matters and cauſes whatſoever, and of what kind or nature ſoever, and that they and their ſucceſſors may have a common ſeal, and may change and alter the ſame at their pleaſure, and alſo that they and their ſucceſſors by the name of "The Truſtees of the Albany Library," ſhall be in law, capable of purchaſing holding and conveying any eſtate real or perſonal, for the uſe of the ſaid corporation. *Provided*, ſuch real and perſonal eſtate, at any one time held by the ſaid Truſtees of the Albany Library, ſhall not exceed the annual value of one thouſand dollars excluſive of the books and the annual payment of the members of the ſaid Library herein after mentioned.

And that by that name they and their ſucceſſors ſhall have perpetual ſucceſſion, & be capable of ſuing and being ſued, &c.

And may have a common ſeal.

And hold real and perſonal eſtate.

Twelve truſtees to be appointed for conducting the buſineſs of the corporation.

And be it further enacted by the authority aforeſaid, That for the better carrying into execution the purpoſe aforeſaid, there ſhall for ever hereafter belong to the corporation of the Truſtees of the Albany Library aforeſaid, twelve Truſtees who ſhall conduct and manage the buſineſs of the ſaid corporation Library, in the manner herein after directed and appointed, and that the ſaid Abraham Ten Broeck, John Lanſing, jun. Philip Schuyler, Stephen Van Renſſelaer, Jeremiah Van Renſſelaer, Thomas Elliſon, John M'Donald, James Fairlie, Daniel Hale, Hunloke Woodruff, Goldſbrow Banyar and Stephen Luſh, be the preſent Truſtees of the ſaid Library, who ſhall remain in thoſe offices until the firſt Saturday in May next; that there ſhall for ever hereafter be one chairman of the ſaid Truſtees, one treaſurer and one librarian, to be elected and appointed in the manner herein after mentioned, and that it ſhall be lawful to and for the ſaid Truſtees, in their diſcretion whenever they ſhall conceive it neceſſary and for the intereſt of the ſaid corporation, to appoint one and the ſame perſon both treaſurer and librarian: That the ſaid Abraham Ten Broeck be the preſent chairman of the ſaid Truſtees of the ſaid Library, and that the ſaid James Van Ingen be the preſent treaſurer and librarian of the ſaid Library.

Preſent truſtees to remain in office until a certain day.

One treaſurer, one chairman, and one librarian to be elected, and thoſe who now hold ſaid offices to remain until a certain day.

And be it further enacted by the authority aforeſaid, that on or before the firſt Saturday in April next, the ſaid Truſtees ſhall by lot be divided into two claſſes, each claſs to conſiſt of ſix of the ſaid Truſtees; that the offices of the firſt claſs of the ſaid Truſtees, ſhall determine on the firſt Saturday in May next, and the offices of the Truſtees of the ſecond claſs, ſhall determine on the firſt Saturday in May, in the year of our Lord, one thouſand ſeven hundred and ninety three, and that on the firſt Saturday in April next, and on the firſt Saturday in April in every year for ever thereafter, there ſhall be a general meeting of the members of the ſaid corporation for the time being, at the City-Hall of the City of Albany, or at ſome other convenient place in the ſaid City, to be from time to time aſcertained and fixed by the bye laws of the ſaid corporation, and that then and there by a majority of votes of ſuch members as ſhall ſo meet, ſuch members ſhall by ballot elect ſix

Said truſtees, before a certain day, to be divided into two claſſes of ſix perſons each, and the officers of each claſs to determine on a certain day.

Members of the corporation to meet annually on the firſt Saturday in April, at the city hall of Albany and chooſe ſix truſtees'

Truſtees, ſo that one half of the ſaid Truſtees ſhall be annually choſen; that any perſon holding more than one right in the ſaid Library, ſhall be entitled to one vote for each right he or ſhe ſhall ſo hold in the ſame; that the ſaid truſtees of the ſaid Library ſhall annually at their firſt meeting, on or after the firſt Saturday in May, in every year as aforeſaid, appoint one of the ſaid Truſtees their chairman; that when and as often as any vacancy ſhall happen by the death, removal reſignation or neglect to ſerve of any of the ſaid Truſtees, it ſhall be lawful for the chairman of the ſaid truſtees, or on his neglect or refuſal, for any three other of the ſaid truſtees, to ſummon a meeting of the members at the City-Hall of the ſaid City, or at ſuch other place as ſhall have been fixed and aſcertained by the bye laws of the ſaid corporation, for the purpoſe of electing another perſon or perſons inſtead of ſuch as ſhall ſo have died, removed, refuſed or neglected to ſerve as aforeſaid, and that ſuch perſons ſo to be choſen truſtees at ſuch meeting as laſt aforeſaid, ſhall reſpectively remain in office during ſuch time as the perſon in whoſe ſtead each ſuch truſtee ſhall be choſen would have done, in caſe ſuch death, removal, refuſal or neglect had not happened and no longer; that in caſe of the death, removal, refuſal or neglect to ſerve, of the chairman for the time being, it ſhall be lawful for the truſtees of the ſaid library, at any of their meetings to appoint another chairman inſtead of the one dying, removing, refuſing or neglecting to ſerve as aforeſaid, to remain in office until the firſt meeting of the ſaid truſtees after the firſt Saturday in May then next; that the ſaid truſtees of the ſaid library, ſhall at every ſuch annual general meeting of the members of the ſaid corporation, exhibit to ſuch members a ſtate of the ſaid library, the minutes of the proceedings of the truſtees during the year immediately preceding ſuch meeting, and the treaſurer and librarians accounts, ſtating the amount of receipts and expenditures during ſuch year.

How the number of votes is to be regulated.

How the chairman is to be appointed, and vacancies filled up.

Truſtees, at their annual meeting, to exhibit to the members a ſtate of the library accounts, &c.

And be it further enacted by the authority aforeſaid, That the ſaid truſtees ſhall have ſtated meetings once in every quarter in every year, at ſuch times as the ſaid truſtees ſhall from time to time appoint for that purpoſe; that the ſaid chairman, or any three of the truſtees of the ſaid library for the time being, ſhall and may from time to time as occaſion may require, ſummon and call together at the City-Hall of the ſaid City, or at ſuch other place in the ſaid City, as ſhall from time to time be appointed by the bye laws of the ſaid corporation, the truſtees of the ſaid library, giving them at leaſt two days notice of ſuch meeting; that the chairman of or any ſix or more other of the ſaid truſtees, and in the abſence of the chairman, any ſeven or more of the ſaid truſtees, ſhall form a board of truſtees, and that the chairman and the other of the ſaid truſtees ſo met, ſhall reſpectively have one vote in the proceedings of the ſaid truſtees, that any ſeven or more of the ſaid truſtees, or a majority of them ſo met, ſhall have full power and authority to adjourn from day to day, or for ſuch other time as the buſineſs of the corporation may require, and from time to time to appoint and at their pleaſure to diſplace a treaſurer and librarian of the ſaid library, and to appoint other or others in their ſtead and place, from time to time to aſcertain the compenſation to be allowed to the treaſurer or librarian, or either of them, for their ſervices in their ſtations reſpectively, and from time to time to regulate and appoint, to them the ſaid treaſurer and librarian, or either of them, their reſpective powers, truſts and duties; to direct the application of the monies belonging to the ſaid corporation, to the purchaſe of ſuch books as they ſhall from time to time think proper, to the providing a room or houſe for the ſafe keeping of the books of the ſaid library, and to do, tranſact, manage and perform in the name of the ſaid corporation, all and every act and acts, thing and things whatſoever, which ſhall be neceſſary to be done, and which the truſtees of the Albany library aforeſaid, are by virtue of this law authorized to do, and to make, frame, conſtitute, eſtabliſh and ordain, from time to time, and at all times hereafter, ſuch laws, conſtitutions, ordinances and regulations, for the better government of the officers, members and ſervants of the ſaid corporation; for regulating the terms upon which the books of the ſaid library ſhall be lent out, both to members of the ſaid corporation and others; for fixing and aſcertaining the times and places of quarterly meetings of the ſaid truſtees; for altering fixing and aſcertaining the places of meeting of the members of the ſaid corporation for the election of truſtees; for regulating the management and diſpoſition of the books of the ſaid library, and the monies, funds and effects belonging to the ſaid corporation; the transferring rights in the ſaid library from one perſon to the other, and all other the buſineſs and affairs whatſoever of the ſaid corporation, as they or the major part of them ſo legally met, ſhall judge beſt for the general good of the ſaid corporation, and for the more effectual promoting encreaſing and preſerving the ſaid library, and the ſame or any of them to alter, amend or repeal from time to time, as they or the major part of them ſo met ſhall think proper. *Provided,* ſuch laws, conſtitutions, regulations and ordinances be not repugnant to the laws of this State.

Truſtees to have ſtated quarterly meetings.

How ſpecial meetings are to be held.

What number of truſtees may form a board, and adjourn from day to day.

Powers of a board defined.

And be it further enacted by the authority aforeſaid. That it ſhall and may be lawful to and for each and every of the members for the time being, of the ſaid corporation, his and her executors, adminiſtrators and aſſigns, to give, ſell, alien, aſſign, deviſe or diſpoſe of their reſpective rights in the ſaid library, and that their reſpective aſſigns ſhall be members of the ſaid corporation, and ſhall be entitled to all and every the ſame rights and privileges in the ſaid library, and in the ſaid corporation, as the members in this act named are entitled to by virtue of this act. *Provided always,* that a part of a right in the ſaid library, ſhall not entitle the proprietor or owner thereof to any privilege whatſoever in the ſaid library or corporation.

Members of the ſaid corporation may tranſfer their rights, and their aſſigns to be entitled to all their privileges.

Proviſo.

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A board, when met, may admit, under their seal, as many new members as they shall think proper.

And be it further enacted by the authority aforesaid, That it shall and may be lawful at such meeting of seven or more of the said trustees of the library for the time being, or for the major part of them so met, to make any bye laws, constitutions or ordinances of the said corporation, to admit under the common seal of the said corporation, such and so many persons members of the said corporation, as they shall think beneficial to the said library, which members so admitted, shall be entitled to have, hold and enjoy all and every of the same rights and privileges as the members herein particularly named are entitled to by virtue of this act.

The yearly sum each member is to pay to the treasurer.

And be it further enacted by the authority aforesaid, That each and every of the members of the said corporation for the time being, shall on or before the first Tuesday in January, in every of the five next succeeding years, to be computed from the first day of January now last past, pay to the treasurer of the said library for the use of the said corporation, the sum of twenty shillings for each right such members respectively hold in the said library, and from and after the expiration of the said five years, the sum of ten shillings for each right, such members respectively hold in the said library, on or before the first Tuesday of January in every year for ever thereafter; and that in case any of the said annual sums or any other sum which of right shall become due to the corporation from any of its members, shall at any time or times hereafter, be in arrear and unpaid, by and for the space of forty days next after any of the days on which the same ought to be paid, that then the person or persons from whom the same shall be due and payable, shall be precluded from exercising any of the privileges to which he became entitled by virtue of his becoming a member of the said corporation, until such sums shall be fully satisfied, and if such payment shall not be made within five years after any such sums shall become due as aforesaid, that then and after the expiration of five years from the time such payment shall become due, the person or persons from whom the same shall become due and payable, shall thereupon forfeit and be utterly excluded from all his, her or their rights and privileges in the said library and corporation.

If such sums are not paid within a certain time, the person neglecting to pay, to be precluded from his privileges till he does pay, and if not paid within a certain other time, then his right to be forfeited.

If the trustees are not elected on the day by law appointed, the corporation shall not for that reason be dissolved.

And be it further enacted by the authority aforesaid, That in case it should happen, that an election of trustees should not be made on any day when pursuant to this act it ought to have been made, the said corporation, shall not for that cause be deemed to be dissolved, but that it shall and may be lawful on any other day, to hold and make an election of trustees in such manner as shall have been regulated by the laws and ordinances of the said corporation.

CHAP. XIV.

An ACT *for the relief of Anna Margaretta Whitman.*

Passed the 24th of February, 1792.

The right of this State to two lots in the seventh ward of New-York, vested in Anna Margaretta Whitman.

BE it enacted *by the People of the State of New-York, represented in Senate and Assembly, and it is hereby enacted by the authority of the same*, That all the right and title of the people of this State, of, in and to all those two lots of land, lying and being in the seventh ward, formerly the out ward of the city of New-York, which were conveyed by the commissioners of forfeitures for the southern district of this State, by a deed dated the fifteenth day of December, in the year one thousand seven hundered and eighty-four, to Jacob Whitman, shall be and hereby is granted to and vested in Anna Margaretta Whitman, the widow of the said Jacob Whitman, her heirs and assigns, to and for her and their own proper use and benefit for ever. *Provided always*, That the said Anna Margaretta Whitman shall be, and is hereby made liable to and chargeable with the payment of all debts which the said Jacob Whitman owed at the time of his death, not exceeding the value of the said premises, in the same manner as if she was his heir and devisee, and in all actions against her for any such debt the value of the premises shall be considered as assets in her hands.

Proviso.

CHAP. XV.

An ACT *for the benefit of the Shinecock Tribe of Indians, residing in Suffolk County.*

Passed the 24th of February, 1792.

The male Indians of the Shinecock Tribe, may meet on a certain day, to choose three of their Tribe as trustees.

BE it enacted *by the People of the State of New-York, represented in Senate and Assembly, and it is hereby enacted by the authority of the same*, That it shall and may be lawful for the male Indians, of twenty-one years of age and upwards, belonging to the Shinecock Tribe in Suffolk County, to meet together on the first Tuesday in April next, and on the first Tuesday in April in evety year thereafter, at the place for holding town meetings in the town of Southampton, and there by plurality of voices, to choose three persons belonging to the said Tribe as trustees, who by and with the consent of three justices of the peace residing next to the lands of the said Shinecock Tribe, are hereby authorized and impowered, from time to time, to lease out so much of the said lands as they shall judge proper for the use of the said tribe, and for any term not exceeding three years, and to lay out and appropriate such quantity of the said land to each family or individual as shall be judged necessary for his or their improvement.

Who are empowered to lease out, their lands for a term not exceeding three years, for the use of the Tribe, &c.

Town clerk of Southampton to preside at the annual meetings of the said Indians, and register the names of the trustees chosen.

And be it further enacted by the authority aforesaid, That it shall be the duty of the clerk of the town of Southampton, annually to attend and preside at the meeting of the said Indians for choosing the said trustees, and to enter in a book to be by him kept for that purpose, the names of the persons who shall be so chosen trustees as aforesaid.

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Any perſon improving any of ſaid Indians lands, without the conſent of the truſtees, to forfeit forty ſhillings per acre.

And be it further enacted by the authority aforeſaid, That if any perſon or perſons whomſoever ſhall plough, or otherwiſe improve, any of the lands belonging to the ſaid tribe, without the conſent of a majority of the ſaid truſtees, and a majority of the ſaid juſtices, firſt had and obtained in writing, and entered in the book herein directed to be kept by the ſaid clerk, ſuch perſon or perſons ſhall ſeverally forfeit the ſum of forty ſhillings for every acre ſo occupied, notwithſtanding he or they may have obtained licence to improve the ſaid land, or any part thereof, from any Indian or Indians of the ſaid tribe, other than in manner aforeſaid, and ſhall be ſubject to pay ſuch forfeiture to the ſaid juſtices, for the uſe of the ſaid tribe, to be recovered, with coſts of ſuit, in their own names, in any court having cognizance of the ſame.

CHAP. XVI.

An ACT *to ſtay Proceedings on an Information in the Supreme Court againſt George Palmer. Paſſed the 2d of March*, 1792.

Preamb'e reciting, that informati n hath heen filed agai ſt Geo. Palmer, for erecting certain obſtructions in Hudſon's river.

WHEREAS it appears to the legiſlature, that an information hath been filed by the late Attorney General, in behalf of the people of this State, againſt George Palmer, of Stillwater, yeoman, for erecting two ledges and two dams near Stillwater, in Hudſon's river: And whereas ſundry inhabitants of the towns of Stillwater, Halfmoon, Saratoga, and Eaſton, have, by their petitions preſented to the legiſlature, prayed that all proceedings on the ſaid information be ſtayed: Therefore

All proceeding on ſaid information ſtayed.

Be it enacted *by the People of the State of New-York, repreſented in Senate and Aſſembly*, That all further proceedings, on the information aforeſaid, ſhall be ſtayed, and be no farther proſecuted until the further order of the legiſlature.

Proviſo.

Provided always, That nothing in this act contained ſhall be conſtrued ſo as to prevent any perſon or perſons from proſecuting any ſuit or ſuits for any private injury or damage they may conceive or ſuppoſe they have ſuſtained by means of the ſaid ledges and dams.

CHAP. XVII.

An ACT *for the Relief of ſuch Towns as have, or hereafter ſhall ſupport certain perſons manumitted by the State. Paſſed the 2d of March*, 1792.

Preamble reciting, that there is no proviſion for the ſupport of certain ſlaves which belonged to the eſtates of certain perſons who were attainted.

WHEREAS, in and by an act entitled, "An act for the ſpeedy ſale of the confiſcated and forfeited eſtates within this State, and for other purpoſes therein mentioned," the commiſſioners of forfeitures, or either of them, were directed, out of any monies which might come into his or their hands for rents, to make ſuitable proviſion for the ſupport and maintenance of any ſlave or ſlaves who ſhould be found unable to ſupport themſelves, and who belonged to, and had not been diſpoſed of by any perſon or perſons whoſe reſpective eſtates had become confiſcated or forfeited to the people of this State: And whereas the powers of the ſaid commiſſioners of forfeitures have ceaſed, and no relief can be obtained for the ſupport of ſuch ſlaves: Therefore

Treaſurer to pay to overſeers of the poor of towns, all money they have or may expend in ſupport of ſuch ſlaves.

Be it enacted *by the people of the State of New-York repreſented in Senate and Aſſembly and it is hereby enacted by the authority of the ſame*, That it ſhall and may be lawful for the treaſurer to pay unto the overſeers of the poor of any town, ſuch ſum and ſums of money as they already have expended, or hereafter may expend, in the ſupport and maintenance of any ſuch ſlave or ſlaves as aforeſaid, or of any ſuch ſlave or ſlaves who were the property of any perſon whoſe eſtate hath been confiſcated or forfeited, and were ſuch at the time of ſuch confiſcation or forfeiture, and who have ſince that time reſided, and do now reſide, within this State.

Provided they have been an ſhall be ſupported as other poor.

Provided always, that they have been, or hereafter ſhall be ſupported and maintained in like manner as other poor of the towns where they have been, or hereafter ſhall happen to be, are maintained.

Further proviſo.

And provided alſo, that the overſeers of every ſuch town, who have ſupported ſuch ſlave or ſlaves, as the poor of ſuch town, or ſhall hereafter in like manner ſupport ſuch ſlave or ſlaves, ſhall produce their certificate thereof, certified by the ſuperviſor and juſtices of ſuch town, or the ſuperviſor and a majority of ſuch juſtices, and their account of ſuch expenditures as aforeſaid, examined and certified by the auditor of the State.

CHAP. XVIII.

An ACT *for dividing the Town of Ball's Town, in the County of Sarotoga, into four Towns. Paſſed the 7th of March*, 1792.

Part of Ball's Town, as herein deſcribed, erected into a town by the name of Milton.

BE it enacted *by the People of the State of New-York, repreſented in Senate and Aſſembly*, That from and after the firſt Monday of April next, all that part of the town of Ball's Town bounded as follows, to wit, beginning in the ſouth eaſt corner of the fourteenth allotment, in the general diviſion of the patent of Kayaderoſſeres, and running thence weſt, along the ſouth bounds of the ſaid allotment, to the middle of the ſouth bounds of the lot number nine, in the ſubdiviſion of the allotment aforeſaid, thence running due north, to the north bounds of the county of Saratoga, thence eaſterly to the town of Saratoga, thence ſoutherly, along the bounds of the ſaid town of Saratoga, to the place of beginning, be erected into a town by the name of Milton; and that all that part of the ſaid Ball's Town, bounded as follows, to wit, beginning at the ſouth weſt corner of the ſaid town of Milton, thence running weſt along the ſouth bounds of the ſaid fourteenth allot-

Another part of Ball's Town, herein deſcribed, erected into a town by the name of Galway.

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Another part of Ball's town, herein described, erected into a town, by the name of Charlton, and the residue to retain its former name.

ment, to the line of the county of Montgomery, thence north along the said line of the said county of Montgomery, to the north west corner of Saratoga county, thence easterly along the north bounds of Saratoga county to the north west corner of the town of Milton aforesaid, thence south, along the town of Milton aforesaid to the place of beginning, be erected into a town by the name of Galway; and that all that part of the said Ball's Town, bounded as follows, to wit, beginning at the south west corner of the town of Milton, and running thence south to the north bounds of the county of Albany, thence westerly along the said north bounds, to Montgomery county, thence north along the east bounds thereof to the south west corner of the town of Galway aforesaid, thence east to the place of beginning, be erected into a town by the name of Charlton; and that all the remaining part of the said town of Ball's Town be and remain as the town of Ballston.

Proviso.

Provided nevertheless, That nothing herein contained shall be construed to affect the private rights of any individuals.

Town meetings in said town where to be held.

And be it further enacted, That the first town meetings in each of the said towns shall be holden as follows, that is to say, in the said town of Ballston, at the red meeting house in the said town; in the said town of Milton, at the house where William Baker now dwells; in the town of Galway, at the school-house near Smith and Stillwell's store, in the said town, and in the said town of Charlton, at the meeting-house in the said town.

Said towns to enjoy the same rights as other towns in this State.

And be it further enacted, That each of the said towns hereby erected shall enjoy all the rights, privileges and immunities which are granted to other towns within this State, by an act of the legislature, passed the seventh of March, one thousand seven hundred and eighty eight, entitled, "An act for dividing the counties of this State into towns.

Poor of the present Ball's Town how to be divided among them and the new towns.

And be it further enacted, That the poor belonging to the said town of Ball's Town, previous to this division, shall be divided amongst the said towns, in proportion to the wealth of the inhabitants of the said towns respectively, to be estimated by the last annual tax list of said town; and the overseers of the poor, supervisors and justices, or a majority of them, shall meet, within ten days after the next town meeting, at the house of Edward A. Waters, in Balston aforesaid, and make such division as aforesaid, and the said towns respectively shall thereafter maintain their respective poor.

CHAP. XIX.

An ACT *further to continue and amend the act for the appointment of an auditor, and the settlement of the public accounts of this State. Passed the 7th of March*, 1792.

The act for the appointment of an auditor continued until July 1794.

BE it enacted *by the People of the State of New-York, represented in Senate and Assembly*, That the act entitled, "An act for the appointment of an auditor and the settlement of the public accounts of this State," passed the twenty third day of March, one thousand seven hundred and eighty two, shall be, and is hereby continued in full force and virtue, to all intents and purposes, until the first day of July, which will be in the year of our Lord one thousand seven hundred and ninety four.

Treasurer, when he supposes an account has not been audited agreeable to law, to lay the same before the governor, who may direct the payment to be suspended.

And be it further enacted, That when any accounts or demands against the State, shall be audited by the auditor, and presented to the treasurer for payment, it shall be lawful for the treasurer, if he shall be of opinion that such accounts or demands have not been audited agreeably to the true intent and meaning of the laws of this State, to represent the same to the person administering the government of this State, for the time being, who upon examination thereof, if he shall be of the same opinion with the treasurer, shall by warrant under his hand, and the privy seal of the State, direct the treasurer to delay, the payment of any such accounts or demands, and shall lay the same before the Legislature at their next ensuing session.

Auditor's salary, during the continuance of this act, to be 300 l. per annum.

And be it further enacted, That during the continuance of the act above said, the salary of the auditor shall from and after the twenty-third day of March be, at and after the rate of three hundred pounds per annum, payable in four equal quarterly payments at the treasury.

CHAP. XX.

An ACT *to extend to the City of Albany. An Act entitled An act for regulating the Buildings, Streets, Wharves and Slips in the City of New-York. Passed the 7th of March*, 1792.

The act entitled, "An act for regulating the buildings, streets, wharves and slips, in the city of New York, extended to Albany.

BE it enacted *by the People of the State of New-York, represented in Senate and Assembly*, That the act entitled "An act for regulating the Buildings, Streets, Wharves and Slips, in the City of New-York," passed the sixteenth day of April, one thousand seven hundred and eighty seven, be, and the same is hereby extended to the City of Albany; and that it shall and may be lawful, for the Mayor, Aldermen and Commonalty of the said City of Albany, in Common Council convened, to make such bye laws, ordinances, rules and orders, for regulating the Buildings, Streets, Wharves and Slips, and for such other purposes in the said City of Albany, as the Mayor, Aldermen and Commonalty of the said City of New-York, in Common Council convened, are, in and by the before recited act empowered to make.

CHAP. XXI.

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An ACT *to enable John H. Livingston, Thomas Jones and Brockholst Livingston, to execute certain trusts therein mentioned. Passed the 12th of March,* 1792.

Preamble, reciting, that Alexander Hamilton, one of the trustees for disposing of the late Philip Livingston's estate, has declined to act.

WHEREAS all the real estate whereof Philip Livingston, late of the City of New-York, Esquire, deceased, was seized at the time of his death, and not since sold and disposed of, is vested in Alexander Hamilton, John H. Livingston, Thomas Jones and Brockholst Livingston, in trust to sell as much as may be necessary, to pay the debts of the said Philip Livingston, and to divide the residue among his heirs and devisees:

And whereas, by reason of the removal of the said Alexander Hamilton from this State, it is become difficult for him to execute the several trusts vested in him as aforesaid; for which reason he hath signified his desire to be exonerated therefrom: Therefore

Every act done by the remaining trustees declared as valid as if the said Alexander Hamilton had joined therein.

Be it enacted *by the People of the State of New-York, represented in Senate and Assembly*, That every act which may be hereafter done by the said John H. Livingston, Thomas Jones and Brockholst Livingston, or the survivors or survivor of them, touching the real estate of the said Philip Livingston, deceased, shall be as valid and effectual in the law, as if the same had been done jointly by the said Alexander Hamilton, John H. Livingston, Thomas Jones and Brockholst Livingston, any thing in any former law, to the contrary notwithstanding.

CHAP. XXII.

An ACT *for granting an Allowance to the Commissioner of Excise, for the City of New-York, for his services. Passed the 12th of March,* 1792.

Allowance to the commissioner of excise of New-York encreased

Be it enacted *by the People of the State of New-York, represented in Senate and Assembly*, That from and after the first day of March, one thousand seven hundred and ninety-one, the Commissioner of Excise for the City and County of New-York, for the time being, shall be entitled for his services, to the sum of eighty pounds per annum, which it shall and may be lawful for him to retain out of the monies which shall come into his hands from the duty of excise aforesaid.

CHAP. XXIII.

An ACT *for the relief of Henry Ludenton. Passed the 12th of March,* 1792.

Preamble reciting that certain certificates lost by Henry Ludenton are now in the treasury.

WHEREAS certain certificates issued by the auditors appointed to liquidate and settle the accounts of the troops of this State, in the service of the United States, have been received by the commissioners of forfeitures, and are now in the treasury of this State, which it appears to this Legislature were lost by Henry Ludenton, and which certificates at the time they were lost were not transferable, otherwise than by assignment.

And whereas the said Henry Ludenton, has prayed relief in the premises: Therefore

Treasurer to deliver said certificates to said Ludenton, upon certain conditions.

Be it enacted *by the People of the State of New-York, represented in Senate and Assembly*, That whenever the United States shall direct, that the residue of the twelve hundred thousand dollars may be subscribed, which by the act of the United States, entitled "An act making provision for the debt of the United States," passed the 4th of January, 1790, has not been subscribed before the last day of September last, then the treasurer of this State, is hereby authorized and directed to deliver unto Henry Ludenton, the aforesaid certificates of the following description, to wit.

No. 3404,	issued to Silas Daily, for	£.	79 :	1 : 0
3405,	- - - to Benjamin Buise, -		77 :	14 : 0
3406,	- - - to Jeremiah Bund, -		76 :	0 : 6
3407,	- - - to John Astin, - -		74 :	9 : 6
3622,	- - - to Anthony Whelp,		100 :	0 : 0
	Amounting to	£.	407 :	5 : 0

being the certificates lost by the said Henry Ludenton.

CHAP. XXIV.

An ACT *to divide the Town of Southold, in Suffolk County. Passed the 13th of March,* 1792.

Preamble reciting that the inhabitants of Southold, have prayed to have their town divided.

WHEREAS many of the freeholders and inhabitants of Southold in Suffolk County, have represented to the Legislature, that their town is so long, that it is very inconvenient for them to attend at town meetings, and also to transact the other necessary business of the said town; and have prayed that the same may be divided into two towns: Therefore

Be it enacted *by the People of the State of New-York, represented in Senate and Assembly*, That all that part of the said town of Southold, lying to the westward of a line beginning at the sound, and running thence southerly to the bay separating the towns of Southampton and Southold, and which is the eastern boundary or side of a farm now in the tenure

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Part of said town as herein described, erected into a town by the name of River-Head.

First town meeting where to be held.

or occupation of William Albertson, and is the reputed line of division between the parishes of Ocquebouge and Mattetuck, shall from and after the first Monday in April next, be erected into a distinct and separate town, by the name of River-Head; and the first town meeting of the inhabitants of the said town, shall be held at the dwelling house of John Griffen, at the River-Head; and the said town shall enjoy all the rights, privileges and immunities which are granted to the other towns within this State, by an act of the Legislature, passed the 7th of March, 1788, entitled "An act for dividing the counties of this State into towns."

Poor of Southold how to be divided between said town and the town of River-Head.

And be it further enacted, That the poor of the town of Southold, on the first Monday of April next, shall afterwards be divided by the town of Southold and the town of River-Head, in such proportions as the overseers of the poor for the time being, of the said towns respectively shall agree; and in case of disagreement of the said overseers, then in such proportions as the supervisors of the county, at their next annual meeting shall direct, and the contingent charges and expences of the town of Southold, that have already arisen, or shall arise, before the first Monday in April next, shall be assessed, levied and paid, in the same manner as if this act had not been passed.

CHAP. XXV.

An ACT *for Loaning Monies belonging to this State. Passed the 14th of March*, 1792.

Preamble reciting that it is proper to loan out part of the public monies.

WHEREAS it is proper that part of the Money belonging to the people of this State, should be loaned to the citizens of this State, in the several counties in the manner herein after mentioned: Therefore

Judges and supervisors of the several counties, to meet at a certain day and place, to elect two loan officers for their respective counties.

Be it enacted *by the People of the State of New-York, represented in Senate and Assembly, and it is hereby enacted by the authority of the same*, That the judges of the court of common pleas, or any one or more of them, and the supervisors or a majority of them, in the respective counties of this State, shall meet together on the first Tuesday of May next, or as soon thereafter as conveniently may be, at the place where the court of common pleas was last held in such county, and shall then and there by a majority of votes, elect two sufficient freeholders in their respective counties, to be loan officers in the county in which they shall be elected, for the purposes intended by this act.

Loan officers to give bond to the satisfaction of the judges and supervisors for the faithful performance of their duty.

And be it further enacted by the authority aforesaid, That before the said loan officers shall respectively enter upon their said office, every of them shall give bond to the people of the State of New-York, with such sufficient security as shall be approved of by one or more of the judges of the court of common pleas of the county together with a majority of the supervisors of the same county, signified by signing such, his and their approbation, on the back of the said bond, which bond shall be in the full sum by this act committed to his charge, with condition for the true and faithful performance of his office and duty, and that without favor, malice or partiality.

Oath to be taken by the loan officers.

And be it further enacted by the authority aforesaid, That each loan officer respectively, shall take the following oath, viz. I ——— do swear, that I will according to the best of my skill and knowledge, faithfully, impartially and truly demean myself in discharge of the trust committed to me, as one of the loan officers of the county of ——— by the act entitled "An act for loaning monies belonging to this State," according to the purport, true intent and meaning of the said act, so as the public may not be prejudiced, by my consent, privity or procurement." Which oath shall be administered by any justice of the peace, and be indorsed on the said bond, and and be signed by such justice and loan officer and the bond so indorsed, shall be lodged with the clerk of the county, who upon receipt thereof, shall give the loan officer a certificate that such bond indorsed as aforesaid, is lodged with him, which certificate shall be delivered to the treasurer of this State, on his delivering to the loan officer, the money herein after directed to be delivered to such loan officer, and every such bond and the indorsements thereon, shall be recorded by the clerk; and in case of the forfeiture of any such bond, the major part of the supervisors of the county may direct the same bond to be put in suit, and the monies recovered by virtue thereof, shall be applied to the use of the county.

And endorsed on the aforesaid bond, which shall be delivered to the county treasurer, who shall certify that the same are lodged with him.

Which certificate when delivered to the state treasurer shall be his voucher for paying the money to the loan officer as herein after directed.

Said bond if forfeited, to be put in suit.

The said loan officers declared to be bodies politic and corporate, with all the powers of corporate bodies.

And be it further enacted by the authority aforesaid, That the new loan officers of the several counties, shall respectively be bodies politic and corporate, in fact and in law, by the name and stile of "The New Loan Officers of the County," of which they are respectively loan officers, with full power to every of the said bodies politic, to have and use a common seal, and under the same seal, and in the name of the same bodies politic, to give receipts, take mortgages and execute releases and conveyances of the mortgaged premises, and to sue and be sued, and generally with all such powers as are necessary for the due execution of the trusts reposed in them by this act.

Treasurer on receipt of the certificate aforesaid, to pay the monies to the loan officers.

And be it further enacted by the authority aforesaid, That the treasurer of this State shall, upon producing to him the certificates above directed, pay to the new loan officers of the several counties the sums following, that is to say;

Amount of the several sums to be paid to the loan officers of the several counties.

To the loan officers of the county of *New-York*, the sum of nineteen thousand three hundred pounds. To the loan officers of the county of *Albany*, the sum of sixteen thousand four hundred pounds. To the loan officers of the county of *Suffolk*, the sum of nine thousand six hundred pounds. To the loan officers of the county of *Queens*, the sum of eight thousand six hundred pounds. To the loan officers of the county of *Kings*, the sum of one thousand nine hundred pounds. To the loan officers of the county of *Richmond*, the sum of one thousand nine hundred pounds. To the loan officers of the county of *Westchester*, the sum of fourteen thousand one hundred pounds. To the loan officers of the county of

Dutcheſs, the ſum of twenty-ſeven thouſand two hundred pounds. To the loan officers of the county of *Orange*, the ſum of ten thouſand nine hundred pounds. To the loan officers of the county of *Ulſter*, the ſum of ſixteen thouſand two hundred pounds. To the loan officers of the county of *Columbia*, the ſum of ſixteen thouſand three hundred pounds. To the loan officers of the county of *Renſſelaer*, the ſum of thirteen thouſand four hundred pounds. To the loan officers of the county of *Waſhington*, the ſum of thirteen thouſand four hundred pounds. To the loan officers of the county of *Clinton*, the ſum of one thouſand four hundred pounds. To the loan officers of the county of *Saratoga*, the ſum of ten thouſand four hundred pounds. To the loan officers of the county of *Montgomery*, the ſum of nine thouſand four hundred pounds. To the loan officers of the county of *Otſego*, the ſum of three thouſand pounds. To the loan officers of the county of *Herkemer*, the ſum of two thouſand eight hundred pounds. To the loan officers of the county of *Tioga*, the ſum of two thouſand ſix hundred pounds, and to the loan officers of the county of *Ontario*, the ſum of one thouſand two hundred pounds. And the reſpective loan officers ſhall give receipts for the ſaid reſpective ſums, to the ſaid treaſurer, upon the certificate herein before directed to be given, by the clerk of the county, and which receipts ſhall be ſufficient diſcharges to the treaſurer, his executors and adminiſtrators, for the ſaid ſums reſpectively.

Loan officers to give receipts to the treaſurer for the ſums paid to them.

And be it further enacted by the authority aforeſaid, That when the ſaid loan officers have reſpectively quallified themſelves as by this act is directed, they ſhall receive from the treaſurer, the ſaid ſums above directed to be paid to them reſpectively, and ſhall loan out the ſame, to ſuch perſons as ſhall apply for the ſame, and can and will give ſecurity to the ſaid loan officers, by mortgage on improved lands in the ſame county, then in the actual occupation of the borrower; they the ſaid loan officers firſt giving public notice in writing to be fixed up at the court houſe in the county, or at the place where the court of common pleas was then laſt held in the ſame county, and at four other public places in theſame county, that on a certain day, at leaſt ten days after the ſaid notice given, they will be ready to receive borrowers quallified according to the directions of this act: and as on that day, borrowers offer, their names and the ſums they apply for, ſhall be orderly entered in the minute book of proceedings herein after mentioned, and every one ſhall be ſerved, according to the priority of application, if there be no reaſonable objections againſt the title and value of the lands offered to be mortgaged, or ſome other ſufficient reaſons, which ſhall be entered alſo in the minute book of proceedings. *Provided always*, That if upon the firſt day, ſo many borrowers offer, as to apply for a greater ſum than the whole ſum in that county to be lent out, then and in ſuch caſe, every ſuch borrower, ſhall be abated of the ſum applied for, proportionably. *Provided always*, That the loans aforeſaid, ſhall be in proportion to the value of the lands only, excluſive of the buildings thereon.

Loan officers to loan out ſaid monies to perſons who will give ſecurity by way of mortgage for the ſame.

First advertiſeing the day they will meet to receive borrowers.

And the borrowers that offer on that day to have their names entered in a book, and to be ſerved according to priority.

Proviſo, where more borrowers offer on that day than there is money to lend, then an apportionment to be made among them.

And be it further enacted by the authority aforeſaid, That the new loan officers reſpectively, before they accept of the ſaid lands in mortgage, for any of the ſaid money, ſhall firſt view what is ſo offered in mortgage, or make due enquiry reſpecting the value thereof, and ſhall examine the titles thereto, by peruſing the deeds, patents, ſurveys and other writings and conveyances, by which the ſame are held, and by which the value and quantity may be the better known; and the ſaid loan officers reſpectively, are hereby empowered and required, to adminiſter to all perſons applying for any of the money as aforeſaid, the following oath, viz. "I ——— do ſwear, that I am *bona fide* ſeized in fee ſimple, of the lands, tenements and hereditaments, by me now offered to be mortgaged in my own right, and to my own uſe, and that the ſame were not conveyed to me, in truſt, to borrow any ſum or ſums of money upon the ſame, for the uſe of any other perſon or perſons whatſoever, and that the ſaid premiſes are free and clear, from any other or former gift, grant, ſale, mortgage, judgment, recognizance or other incumbrance whatſoever, to my knowledge and belief." And for the better ſatisfaction of the loan officers as to the title and value of what is offered in mortgage by borrowers, the loan officers or either of them, are hereby authorized and empowered, to examine the borrower and witneſſes concerning the ſame, upon oath, and to adminiſter ſuch oath, a brief minute of which examination and the names of the perſons ſo examined, ſhall be entered in their ſaid minute book of proceedings. And the loan officers of the ſeveral counties of Clinton, Otſego, Herkemer, Tioga and Ontario, ſhall not take any mortgage for any of the ſaid monies, unleſs the title of the borrower to the lands mortgaged, ſhall be firſt duly recorded or depoſited with the loan officers.

Loan officers before they accept the mortgage, to examine titles, &c.

And to adminiſter an oath to the mortgagor.

And be it further enacted by the authority aforeſaid, That the new loan-officers of the ſeveral counties in this ſtate reſpectively, upon finding borrowers qualified, and upon being ſatisfied as aforeſaid, as to the title and value of the lands offered to be mortgaged, ſhall and may by virtue of this act, lend out the money delivered to them as aforeſaid, at the intereſt of ſix per cent. per annum, in ſums not exceeding three hundred pounds, nor under thirty pounds, unleſs the proportion as aforeſaid be leſs to any one perſon, and ſhall take ſecurity for the ſame, by way of mortgage as aforeſaid, on improved lands then in the actual poſſeſſion of the borrower, and ſituated in the ſame county of which they are loan-officers, of at leaſt double the value, excluſive of the buildings or rent charged thereon, of the ſum ſo loaned, and ſhall alſo adminiſter an oath or affirmation to the borrower as aforeſaid; and the ſaid mortgage ſhall be executed before two or more witneſſes ſigning thereto, and the ſubſtance thereof ſhall be minuted in a book, to be by the ſaid loan-officers kept for that purpoſe, in each reſpective county; for the making of which mortgage and

Loan officers upon being ſatisfied with the borrowers titles may loan out the monies at ſix per cent, in ſums to a certain amount.

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minute, the borrower ſhall pay to the ſaid loan-officers the ſum of four ſhillings, and no more; which mortgage and minute ſhall be, and each of them are hereby declared to be matter of record; and an atteſted copy of the ſaid mortgage, if in being, or of the ſaid minute in caſe the ſaid mortgage is loſt, under the hands of the ſaid loan-officers, and the ſeal of the ſaid loan-office, ſhall be good evidence of the ſaid mortgage in any court within this ſtate.

Intereſt of the monies ſo loaned, to be paid yearly on a certain day, and the principal at any time before a certain other day.

And be it further enacted by the authority aforeſaid, That the intereſt of the money lent out as aforeſaid, ſhall be payable yearly, on the firſt Tueſday in May in every year, and it ſhall be optional with the borrowers to repay the principal ſum at any time before the firſt day of May, one thouſand eight hundred and two; and if legiſlative proviſion ſhall be made for the repayment of the ſaid principal or any part thereof, after the ſaid firſt day of May, one thouſand eight hundred and two, the borrower ſhall be allowed the farther time of one year for the repayment thereof; and the reſpective loan-officers are hereby required, at the lending of the money, to take the ſecurity for the ſame accordingly; and the ſaid loan-officers for every ſum paid to them, ſhall give to the perſon paying the ſame, a receipt, and ſhall enter one minute of the ſame payment on the back of the mortgage, and another minute thereof in the book of accounts by them to be kept, and that without any fee or reward; but if the borrower, his heirs, executors, adminiſtrators or aſſigns, ſhall pay in a fourth, or a half part, or three quarters, or the whole of the principal due to the ſaid loan-officers, on any firſt Tueſday of May in any year, the ſaid loan-officers are hereby required and empowered to receive the ſame on the ſaid firſt Tueſday of May annually, and on no other day of the year, unleſs ſo many ſhall offer payment on that day, that the ſaid loan-officers cannot within the day receive the whole; and in that caſe, they are to continue to receive, until all who on that day offered, have paid the monies ſo offered, or unleſs he brings with him another ſufficient borrower to give new ſecurity to the ſatisfaction of the loan-officers, for the whole of the money by him paid in, and in that caſe the loan-officers ſhall accept thereof on any of their ſtated days of meeting, and when the whole of the principal and intereſt is paid, the ſaid loan-officers ſhall (if required) give the party paying a releaſe of the mortgage given by the borrower, and ſhall tear off the name and ſeal, and make an entry on the margin of the mortgage, and in the margin of the minute made thereof, that on ſuch day and year, ſuch releaſe was made, for which releaſe the releaſee ſhall pay the ſum of two ſhillings, and no more; and when any parts of the principal are paid in as aforeſaid, the loan-officers ſhall at the end of that meeting, compute the whole of the principal ſo paid in, and give public notice of the amount thereof by advertiſements ſet up, and that they are ready to lend the ſaid monies to ſuch perſons as ſhall appear to be qualified according to the directions of this act, to borrow the ſame, and in the lending and taking ſecurity ſhall conform themſelves (as near as the circumſtances of the caſe can admit) to the directions herein before preſcribed; and if any money ſhall remain in their hands for want of borrowers, they ſhall ſet up advertiſements of the amount thereof, and continue to do the like at the end of every of their ſtated meetings.

Loan officers to give receipts for every ſum ſo paid to them, and enter minutes thereof.

When the whole principal and intereſt is diſcharged, loan officers to give a releaſe of the mortgage in manner herein directed.

When any parts of the principal are paid, loan officers to advertiſe the ſame for loan again.

In caſe of vacancies of loan officers, how they are to be filled up.

And be it further enacted by the authority aforeſaid, That in caſe any of the new loan-officers ſhall remove out of the county, die, or neglect or refuſe to perform the duty required or enjoined him by this act, or ſhall behave himſelf in his office with favor, affection, partiality or malice, whereby the public, or any private perſon may be injured, upon report or complaint made thereof to any two or more of the judges aforeſaid, of the county for which he is loan-officer, the ſaid judges are hereby directed and required, by ſummons, to convene the judges and ſuperviſors of the ſame county, to meet at ſuch time and place, as in the ſaid precept ſhall be appointed, to hear and determine ſummarily upon the ſaid report or complaint, and upon ſufficient proof made to any one or more of the ſaid judges, with a major part of the ſaid ſuperviſors, of any death, removal, neglect or refuſal in the ſaid office as aforeſaid, then and in that caſe, the ſaid majority of ſuperviſors, with concurrence of one or more of the judges aforeſaid, ſhall proceed in manner as herein before directed, to elect, and are hereby directed and required to elect a loan-officer in the room and ſtead of ſuch deceaſed or abſent perſon, or ſuch perſon who ſhall have neglected or refuſed as aforeſaid, which loan-officer ſo elected as aforeſaid, having entered into bond, and been qualified in like manner as other loan-officers are by this act directed, ſhall then have all the powers, privileges and advantages, and ſhall be ſubject to all the penalties and forfeitures, which any of the loan-officers of the county as aforeſaid are veſted or charged with, entitled or ſubject to, by virtue of this act.

Judges and ſupervi-ſors may at the requeſt of any loan officer, diſcharge him from his truſt, and elect another in his ſtead.

And be it further enacted by the authority aforeſaid, That if any of the new loan-officers hereafter to be elected, ſhall deſire to be diſcharged of and from the ſaid office, any one or more of the judges aforeſaid, ſhall and may upon the application of ſuch loan-officer for that purpoſe, iſſue his or their precept, to ſummon the judges aforeſaid, and the ſuperviſors to meet at a day and place in the ſaid precept mentioned, to whom when met, the ſaid loan-officer ſhall produce or render an account of his proceedings in the ſaid office; and if it appears upon examination to a majority of the ſaid judges and ſuperviſors, that the ſaid loan-officer hath faithfully demeaned himſelf in the diſcharge of his ſaid office, according to the true intent and meaning of this act, then and in ſuch caſe, ſuch loan-officer ſhall be diſcharged of and from his ſaid office, and another fit perſon ſhall be by them elected to ſupply his place, who ſhall take the ſame oath or affirmation, give the like ſecurity, be ſubject to the like penalties, reſtitutions and regulations, and receive the ſame ſalaries and advantages, as the other loan-officers for that county by virtue of this act, are liable, ſubject, or entitled unto.

And be it further enacted by the authority aforesaid, That when a loan-officer shall be chosen and qualified as herein is directed in the place of a former loan-officer, such former loan-officer, his executors or administrators shall upon demand, deliver to the loan-officer chosen in his place and qualified as aforesaid, all the monies, books and papers that were in such former loan-officers custody, belonging to his office, upon oath before any justice of the peace; and in case any such loan-officer, or his executors or administrators shall delay or refuse to make such delivery on oath, when demanded as aforesaid, the bond of such former loan-officer shall be forfeited.

And the old loan officer to deliver all the papers of his office, to the new one.

And be it further enacted by the authority aforesaid, That if any borrower shall neglect to bring in and pay, or cause to be brought in and paid, yearly and every year, on the first Tuesday in May, or within twenty two days thereafter, on one of the days which the loan officers aforesaid, are by this act directed to attend the respective loan offices, the yearly interest due by his mortgage, and also the principal when demanded as aforefaid, then and in either of these cases, the loan officers to whom such mortgage was granted, shall be seized of an absolute indefeasible estate, in the lands, tenements and hereditaments thereby mortgaged to them, their successors and assigns, to the uses in this act mentioned, and the mortgagor, his or her heirs or assigns, shall be utterly foreclosed and barred, of all equity of redemption of the mortgaged premises, any law, usage or custom or practice in courts of equity, to the contrary notwithstanding.

If any borrower shall neglect to pay any part of the money when it becomes due, the loan officer to be seized of an absolute estate in the lands mortgaged.

And be it further enacted by the authority aforesaid, That the loan officers shall respectively attend the loan office every year, to receive the monies by this act directed to be paid to them upon the first Tuesdays of May, and thereafter on the Tuesday in each week, for the term of three weeks.

Loan officers to attend on certain days to receive monies due.

And be it further enacted by the authority aforesaid, That the loan officers shall, within eight days after the last Tuesday of their attendance as aforesaid, yearly and every year, cause advertisements to be fixed up, at not less than three of the most public places of the county where the premises are situated, describing the quantity and situation of the lands mentioned in the several mortgages foreclosed as aforesaid, and giving notice that on the third Tuesday in September, in the same year, they are to be sold at the court house of the respective counties where the lands lie, (by way of public vendue, to the highest bidder) excepting in the city and county of New-York, in which place, such vendue shall be held at the public coffee house in the said city.

When mortgaged lands are to be sold, loan officers to advertise the same, when and where to be sold.

And be it further enacted by the authority aforesaid, That the new loan officers of the respective counties aforesaid, shall on the third Tuesday of September, yearly, expose the lands in the mortgages foreclosed as aforesaid, to sale at public vendue, and upon such sale, shall convey the said lands to the highest bidder or bidders, and the purchaser or purchasers, shall and may hold and enjoy the same lands, for such estate as was conveyed to the said loan officers by the mortgage executed by such mortgagor, clearly discharged and freed from all benefit and equity of redemption, and all other incumbrances made and suffered after the execution of such mortgage by the mortgagor, his or her heirs or assigns, and such purchaser or purchasers, shall pay the loan officers for drawing and executing such conveyance, the sum of five shillings.

and on that day, shall expose the same to sale at public vendue, and convey them to the highest bidder.

And be it further enacted by the anthority aforesaid, That when any lands, tenements or hereditaments, mortgaged to the loan officers according to this act, shall be set up for sale as aforesaid, and no person shall bid, or offer at such sale, to give for the same lands, tenements and hereditaments, the sum of money for which the same were mortgaged, and then remaining unpaid, with the interest then due thereon; or if any person, to whom any such lands, tenements or hereditaments, shall at any such sale be struck off, shall not pay for the same, then and in every such case, the loan officers shall enter into and take possession of the said lands, tenements and hereditaments, and let the same upon the best terms they can, for the benfit of the county, until the third Tuesday in April then next, and shall on the same third Tuesday in April, sell the same lands, tenements and hereditaments at public vendue, to the highest bidder, giving at least six weeks notice of such sale, in manner directed by this act, (and if any deficiency shall happen by such sale) the loan officers shall give notice thereof to the supervisors of the county, where the lands, tenements and hereditaments are situated, at their next meeting, who shall cause such deficiency to be raised and paid to the loan officers on or before the first Tuesday in October then next; but if the mortgagor, or his or her heirs or assigns, shall at or before the sale of the mortgaged premises, pay to the loan officers, all such sums as shall be payable on such mortgage, on the first Tuesday of May then next, for principal and interest, together with the charges of advertiseing, the same, then the said loan officers shall accept the same, and permit the said owner, or his or her heirs or assigns, to take possession of the said mortgaged premises, and to hold the same, until default shall be made in payment of any further sum on the said mortgage.

And when the land so advertised cannot be sold, the loan officer shall take possession thereof, and lease the same until a certain day.

And on that day shall set them up again for sale, and if any deficiency shall happen on such sale, the supervisors of the county to cause the same to be raised and paid to the loan-officer.

But if the mortgagor before the day of sale shall offer to pay the money due on the mortgage, the loan officer shall accept it, and the owner may re-enter the premises.

And be it further enacted by the authority aforesaid, That the money for which the premises are sold, shall upon the sale thereof be paid to the said loan-officers, out of which they shall retain in their hands the amount of the principal then due, together with the interest which would have been due thereon on the first Tuesday of May next thereafter, if such sale had not been made, as also the expence of the advertisements and of the sale, such expence not exceeding fifteen shillings, and the remainder, if any be, the loan-officers shall pay to

The money for which the lands are sold to be paid to the loan-officer, and he to retain what is due on the mortgage, together with the expences.

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the mortgagor, his or her heirs or aſſigns. *Provided always*, That if any perſon or perſons offer at the time of the ſale to borrow (on ſufficient ſecurity within this act) the whole principal that is to be retained out of the price, and lent out again, then and in that caſe the loan-officers ſhall not retain intereſt beyond the day of ſale. *Provided alſo*, That if the purchaſer inclines to borrow the principal ſum or ſums that is or are to be paid by him or her, and lent out again, and if the loan-officers be ſatisfied with the ſecurity to be given by ſuch purchaſer in manner aforeſaid, ſuch purchaſer ſhall be preferred to any other borrower. *Provided likewiſe*, That the loan-officers ſhall not be obliged to take notice of any aſſignee of the mortgagor unleſs they enter a notice of their right with the ſaid loan-officers at or before the time of ſale; which notice the loan-officer ſhall enter on the mortgage and minute thereof on demand, the aſſignee paying one ſhilling for the ſame; and the aſſignees ſhall be preferred according to the priority of their entries of ſuch notices.

Proviſo.

If the purchaſer inclines to borrow the money to be paid by him, he ſhall have the preference.

Proviſo.

When any lands are mortgaged agreeable to this act, and the loan-officers ſuſpect the title, they ſhall commence an action of debt againſt the mortgagors.

And be it further enacted by the authority aforeſaid, That after any lands, tenements or hereditaments are mortgaged, according to the directions of this act, if it ſhall appear to the loan-officers upon good and ſufficient grounds (which they ſhall inſert in the minute of their proceedings) that the mortgagor had no good right or title to the premiſes mortgaged, or has otherwiſe broken the covenant of his mortgage, ſo that the public may be in danger of loſing the monies or any part thereof advanced in loan upon the credit of the premiſes, it ſhall and may be lawful to and for the ſaid loan officers, and they are hereby empowered and required, to commence an action or actions of debt or covenant upon the ſaid mortgage, againſt the ſaid mortgagor, his or her heirs, executors or adminiſtrators, and the ſame to proſecute to judgment, by all lawful ways and means whatſoever, in any court of record for the recovery of the whole monies lent upon the mortgage, and the intereſt become due, or that ſhall become due, until the firſt Tueſday of May next following the judgment, with coſts and charges, in which action or actions, the mortgagor ſhall be held to ſpecial bail, and the court in which ſuch action is brought, is, and the judges thereof in vacation are hereby authorized and directed, to give ſuch ſhort day for the rules of pleading thereon, that judgment or a trial and final determination may be had the firſt court after the court at which the defendant firſt appeared to the ſame action.

Supervisors and judges to meet on a certain day annually, with the loan-officers, to inſpect their accounts, &c.

And be it further enacted by the authority aforeſaid, That the ſupervisors and judges aforeſaid, of the ſeveral counties of this State, ſhall on the firſt Tueſday in October next, and yearly thereafter on the firſt Tueſday of October in every year, meet together with the ſaid loan officers, at the court houſe of the county, and the majority of the ſupervisors with one or more of the judges aforeſaid, ſhall carefully inſpect and examine the mortgages, minutes and accounts of the loan officers, and if it be found that any loan officer or officers has, or have refuſed or neglected to perform the duties enjoined upon him or them by this act, the ſaid judges and ſupervisors, ſhall elect a loan officer or loan officers in the ſtead of ſuch who ſhall have ſo refuſed or neglected, as aforeſaid; and if any deficiency has happened by borrowers not having right to the lands mortgaged or by the ſelling thereof at a leſs price than what is before mentioned or otherwiſe, then the ſaid ſupervisors or a majority of them, with the concurrence of one or more of the ſaid judges, ſhall cauſe all ſuch deficiencies to be aſſeſſed and levied in the county, as other county charges, ſo that the whole of ſuch deficiencies be paid to the ſaid loan officers, by the firſt Tueſday of May then next following.

And if any deficiencies have happened, the ſupervisors and judges to cauſe the ſame to be aſſeſſed on the county.

Penalty of forty ſhillings on the judges & ſupervisors for not attending.

And be it further enacted by the authority aforeſaid, That in caſe one or more of the ſaid judges, and a majority of the ſupervisors aforeſaid, ſhall not meet on the firſt Tueſday in May next; or in caſe they ſhall not meet yearly on the firſt Tueſday in October; or in caſe they ſhall not meet when ſummoned by a precept of one or more of the ſaid judges, for the ſeveral purpoſes in this act mentioned; every of them in either of thoſe caſes that are abſent (unleſs detained by ſickneſs) ſhall forfeit the ſum of two pounds, and the judge or judges then attending, ſhall iſſue his or their precept to one or more conſtables, to ſummon the judges and ſupervisors to attend on that day week, for the purpoſes aforeſaid, under double the penalty aforeſaid, which each neglecting then to attend if duly ſummoned, ſhall alſo forfeit, altho' a ſufficient number do appear, and in caſe a ſufficient number do not then appear, the judge or judges appearing, ſhall proceed in like manner from week to week, until a full number of ſupervisors do appear to perform the duty for which they ought before to have met; and in caſe the ſaid ſupervisors or either of them, when a majority of them are met, ſhall neglect or refuſe to do the duty enjoined on him or them by this act when met; or ſhall on any pretence whatſoever on the day of their annually meeting, neglect or omit the cauſing to be aſſeſſed, levied and raiſed, the whole deficiencies that have happened by any of the means aforeſaid, every of them neglecting their duty herein, ſhall forfeit to the people of this State, the ſum of five pounds, all which penalties before in this clauſe mentioned, are to be recovered before any one of the juſtices of the peace within the county where ſuch forfeiture ſhall ariſe, one half to the uſe of ſuch judge or judges and ſupervisors of the ſame county, endeavoring to perform their duty herein, who will ſue and inform againſt the others, and proſecute their ſuit to effect, and the other half to the uſe of the people of this State.

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And be it further enacted by the authority aforesaid, That all and every the sums of money which may at any time afterwards be recovered by the new loan officers aforesaid, of such persons as have been the occasion of such deficiencies as aforesaid, shall be applied to the use of such county, and the judge or judges and supervisors, are hereby empowered to take all lawful ways and means in the name of the said loan officers to recover the same.

And all monies afterwards recovered by the loan officers from any persons who have occasioned such deficiencies, shall be applied to the use of the county.

And be it further enacted by the authority aforesaid, That if any monies shall remain in the hands of the new loan officers for want of borrowers, four weeks after the first day appointed for letting it out, then it shall be lawful for them to let out the same on good security as aforesaid, by mortgage of improved lands in the same county as aforesaid, to any person who will borrow the same in any sums above three hundred pounds.

If any money remains in the hands of the loan officer more than four weeks after the first day fixed on for loaning, he may then loan it out in any sums above three hundred pounds.

And be it further enacted by the authority aforesaid, That if any monies shall at any time remain in the hands of any of the new loan officers for want of borrowers, eight weeks after the day appointed for letting it out as aforesaid, then and in every such case, such loan officers in whose hands the same may remain, or one of them with the consent of the other, to be entered and signed in the minute book of their proceedings, shall carry it to the loan officers of the next county or counties, where more money is demanded on loan than there are monies to lend, and deliver it to the loan officers of such next county or counties, upon their receipt for the same, and entering a memorandum of it in the minute book of their proceedings, which loan officers to whom such sum is brought, shall accept thereof, and shall set up advertisements thereof, and therein assign a day in the next week for borrowers to offer, and shall proceed in lending such further sum in their county as nearly as circumstances will admit, in like manner as they proceeded in lending the first sum; of which transposition of those monies the loan officers of the several counties, shall from time to time give notice in writing signed by them to the treasurer, at the time of their paying to him the first interest monies thereafter, of which notices to him he shall enter memorandums in his book of accounts, the better to ascertain the interest he is to receive yearly from the respective counties and the principal sums with which the said counties are charged.

And if any remains in their hands more than eight weeks, then they shall carry it to the next county, where there is a greater demand than there is to lend

And the loan officers of such county shall receive the same and advertise it for loan.

And be it further enacted by the authority aforesaid, That the yearly salary of the loan officers aforesaid, for the services required of them by this act, shall be as follows, that is to say. For every of the loan officers of the county of *New-York*, the sum of forty pounds. For every of the loan officers of the county of *Albany*, the sum of thirty four pounds. For every of the loan officers of the county of *Suffolk*, the sum of twenty pounds. For every of the loan officers of the county of *Queens*, the sum of eighteen pounds. For every of the loan officers of the county of *Kings*, the sum of ten pounds. For every of the loan officers of the county of *Richmond*, the sum of ten pounds. For every of the loan officers of the county of *Westchester*, the sum of thirty pounds. For every of the loan officers of the county of *Dutchess*, the sum of fifty pounds. For every of the loan officers of the county of *Orange*, the sum of twenty two pounds. For every of the loan officers of the county of *Ulster*, the sum of thirty three pounds. For every of the loan officers of the county of *Columbia*, the sum of thirty three pounds. For every of the loan officers of the county of *Rensselaer*, the sum of thirty five pounds. For every of the loan officers of the county of *Washington*, the sum of thirty five pounds. For every of the loan officers of the county of *Clinton*, the sum of twenty pounds. For every of the loan officers of the county of *Saratoga*, the sum of twenty five pounds. For every of the loan officers of the county of *Montgomery*, the sum of twenty five pounds. For every of the loan officers of the county of *Otsego*, the sum of twenty pounds. For every of the loan officers of the county of *Herkemer*, the sum of twenty pounds. For every of the loan officers of the county of *Tioga*, the sum of twenty pounds, and for every of the loan officers of the county of *Ontario*, the sum of twenty pounds. And the said loan officers respectively, shall retain in their hands so much of the interest money paid in to them, as will pay them their said respective salaries, and shall pay the remainder of the said interest to the treasurer of this State, annually on or before the last Tuesday of June in every year, and the receipt of the said treasurer shall be to the said loan officers, and every of them, their heirs, executors and administrators a sufficient discharge.

Salaries allowed to the several loan officers for their services.

Which salaries they shall retain in their hands, out of the interest money and pay the residue yearly to the treasurer.

And be it further enacted by the authority aforesaid, That the respective loan offices in this State shall be kept at the court house of each respective county, and, where there is no court house, at the place where the court of common pleas shall be held in the same county, or at some convenient place near the same, except in the counties of Orange and Westchester, in each of which counties, there being two court houses, the loan officers shall meet alternately, first at or near one court house, and then at or near the other; and the respective loan officers of this State shall, as soon as they receive the said monies from the treasurer, set up advertisements of the first day of their attending the loan office for the purposes herein before mentioned, and shall duly attend the same on that first day, and on every Tuesday and Wednesday in every week for the space of four weeks thereafter, if there be occasion.

Loan offices in the several counties where to be kept, and the loan officers as soon as they have received the money from the treasurer shall advertise the same for loan.

And be it further enacted by the authority aforesaid, That if any person shall falsely swear, or affirm, in any of the cases where an oath or affirmation is required to be taken by this act, or shall wilfully and knowingly act contrary to any oath or affirmation he has taken in pursuance of this act, such offence is hereby declared to be perjury, and the offender, being convicted thereof, shall suffer the pains and penalties as in cases of wilful and corrupt perjury.

Any person swearing falsely where an oath is required by this act, deemed guilty of corrupt perjury.

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Any perſon may ſearch and view the books of mortgages, upon paying one ſhilling for the ſearch.

And be it further enacted by the authority aforeſaid, That the reſpective loan officers ſhall permit any perſon, at ſeaſonable times, to ſearch and view the books of mortgages in their hands and cuſtody, upon paying one ſhilling for the ſearch and the entry of the reſpective mortgages in the books of the ſaid loan officers, ſhall have the like priority, operation, and effect, as if ſuch mortgages were regiſtered in the office of the clerk of the county in which the lands mortgaged lie.

Form of the mortgages to be taken by virtue of this act.

And be it further enacted by the authority aforeſaid, That for the greater uniformity in the ſecurities to be taken by the loan officers for the money to be lent by virtue of this act, the mortgages ſhall be in the form following, to wit, "This indenture made the day of in the year of our Lord one thouſand between of in the county of of the firſt part, and the new loan officers of the county of of the ſecond part, Witneſſeth, that the ſaid for and in conſideration of the ſum of to well and truly paid by the new loan officers of the county of aforeſaid, hath granted, bargained, ſold, aliened, releaſed, enfeoffed, and confirmed, and by theſe preſents doth grant, bargain, ſell, alien, releaſe, enfeoff, and confirm to the new loan officers of the county of aforeſaid, and their ſucceſſors and aſſigns forever, all that together with all and all manner of improvements, hereditaments and appurtenances whatſoever to the ſame belonging, or in any wiſe appertaining, and all the eſtate, right, title, intereſt, claim and demand whatſoever of the ſaid of, in, and to the above bargained premiſes, and every part thereof. To have and to hold the above bargained premiſes, and every part thereof, with the appurtenances, unto the ſaid loan officers of the county of and their ſucceſſors and aſſigns forever, to the uſes, and for the purpoſes mentioned in an act of the legiſlature of the State of New-York, entitled, "An act for loaning monies belonging to this State." *Provided always*, and theſe Preſents are upon this condition, That if the ſaid heirs, executors, adminiſtrators or aſſigns, ſhall pay, or cauſe to be paid, to the new loan officers of the county of the intereſt of the ſaid ſum of at the rate of ſix pounds per cent. per annum, on the firſt Tueſday of May yearly, and every year, and ſhall alſo pay to the ſaid loan officers of the county of the ſaid principal ſum of with all the intereſt then due for the ſame, when the ſame ſhall be by them demanded, at any time after the firſt Tueſday of May, which will be in the year of our Lord one thouſand eight hundred and two, then the above grant, bargain and ſale, and every article and clauſe thereof, ſhall be void; but if failure be made in any of the payments above mentioned, then the above bargain and ſale is to remain in full force and virtue, and the ſaid for heirs and aſſigns, hereby agree to be abſolutely barred of and from all equity of redemption of the premiſes after the expiration of twenty two days after ſuch failure. And the ſaid for heirs, executors, adminiſtrators, and aſſigns, hereby covenant, grant, and agree to and with the ſaid loan officers of the county of and their ſucceſſors, well and truly to pay to them the intereſt of the ſaid ſum of at the rate aforeſaid, annually, on the firſt Tueſday of May in every year, and the ſaid principal ſum of with all the intereſt then due thereon, when demanded as aforeſaid, after the firſt Tueſday of May, which will be in the year one thouſand eight hundred and two; and that at the time of ſealing and delivering of theſe preſents, the ſaid lawfully ſeized of the above bargained premiſes, of a good, ſure, perfect, abſolute, and indefeaſible eſtate of inheritance, and that the ſame now are free and clear of and from all former and other gifts, grants, bargains, ſales, leaſes, judgments, recognizances, dowers, rights of dower, and other incumbrances whatſoever; and alſo that the above bargained premiſes, upon the ſale thereof, purſuant to the directions of the ſaid act, will yield the principal and intereſt aforeſaid remaining unpaid at the time of ſuch ſale, and until the firſt Tueſday of May next, after ſuch ſale, together with fifteen ſhillings for the charges of ſuch ſale. In witneſs whereof the ſaid ha hereunto ſet hand and Seal the day and year firſt above written. Sealed and delivered in the preſence of us.

Printer to the State to print ten thouſand copies of ſaid mortgage and bind up part of them in books.

and deliver them to the treaſurer who ſhall deliver them to the loan officers.

And be it further enacted by the authority aforeſaid, That the Printer to this State ſhall print ten thouſand copies of the ſaid mortgage, and bind ſo many of them in a book, together with ſix leaves of clean paper for an alphabet, for the uſe of the loan office of each county, that there may be a mortgage for every thirty pounds given to the loan office of that county, and the number remaining he ſhall give in looſe ſheets, to be diſtributed, in the like proportion to each of the new loan officers, in order therewith (if there ſhould be occaſion) to give atteſted copies of the original mortgages to the purchaſers of any of the mortgaged lands; and the printer ſhall deliver the ſaid books, together with the ſaid looſe ſheets, to the treaſurer of this State, who ſhall deliver the ſame, together with the monies, to the new loan officers of each county.

All mortgages taken to be of thoſe blanks filled up in the book, the loan officer beginning at the beginning of the book and numbering the mortgages.

And be it further enacted by the authority aforeſaid, That no mortgages ſhall be taken in the loan offices, but by filling up one of the blanks of the book of mortgages, and none of the mortgages ſhall be defaced or torn out, except the ſeals, when the mortgagor pays the whole principal and intereſt of the mortgage; and the loan officers ſhall proceed in taking the mortgages, from the beginning of the book forward, numbering the mortgages as they are taken, and inſerting the mortgagor's name and number in the alphabet, under the letter anſwering to the mortgagor's ſirname.

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And be it further enacted by the authority aforesaid, That the Printer to this State shall cause to be bound, twenty books of paper, one for the use of each loan office, and to be about two thirds of the size of the book of mortgages for the same county, to be delivered as aforesaid, with the book of mortgages.

Printer to bind 20 blank books for the use of the loan officers, to be delivered with the mortgages.

And be it further enacted by the authority aforesaid, That the new loan officers shall, in one end of the last mentioned book, minute the substance of each mortgage, that is, the number thereof, the date, the mortgagor's name, the sum lent, and the boundaries of the lands mortgaged; and when one of the loan officers has the custody of the book of mortgages, the other loan officer shall have the custody of the said minute book, that accidents by fire, or otherwise, may at all times be guarded against; and the Printer shall make an alphabet to the said book, like to that of the book of mortgages; and the mortgagor, for his satisfaction, may examine or see the minute examined with the original mortgage, and with the witnesses shall sign the same.

Loan officer, in one end of said book, to minute the substance of the mortgage, to wit, the date, name, money lent, and bounds of the land.

And be it further enacted by the authority aforesaid, That the new loan officers, beginning at the other end of the said book, shall insert the minutes of their proceedings therein, as follows: *First*, the day they meet, place, house, and loan officers present; *second*, if any one is absent, they shall at their next meeting minute the cause of his absence; *third*, shall enter the hour that every one applies for the loan of money, and the sum he applies for; *fourth*, shall enter down the reason why a prior applicant had not the money according to his application, and the substance of examinations for clearing titles and value; *fifth*, shall enter down the monies received from the treasurer, and the monies delivered to, or received from the loan officers of another county, and the day when, with a copy of the notice thereof to be delivered to the treasurer, and by whom; *sixth*, the last day of their four days of meeting for receiving of monies yearly, they shall enter whose mortgages are foreclosed, and the number and sums of them; *seventh*, shall enter the orders for, and copies of the advertisements for sale, and places at which they are to be set up, and the persons names that are to set them up; *eighth*, shall enter the names of the purchasers of lands, and prices sold for, and payment of the overplus to whom it belongs, with the time and witnesses of such payment; *ninth*, in case any principals or part thereof are paid in before the times of payment in the mortgages, the whole amount of such principals, so paid in, shall be entered in the said book; *tenth*, shall enter the cause of all suits, and the informations they have received, and of whom, at length, or, if too long, refer to them in papers apart, minuting the substance; *eleventh*, shall enter their meetings with the judges and supervisors, and persons present, together with the minutes of all proceedings of such judges and supervisors, particularly what were the deficiencies laid before them, what measures were taken for assessing and levying such deficiencies, and which of the said judges and supervisors were for assessing, or for neglecting or delaying it.

And in the other end of the book to insert the minutes of their proceedings, as herein directed.

And be it further enacted by the authority aforesaid, That the Printer to this State shall cause to be bound other twenty books of paper, one of them for the use of each loan office, about two thirds of the size of the book of mortgages for the same county, to be delivered as aforesaid with the book of mortgages, and that therein shall be entered all the accounts of the loan office; that at the beginning there shall be an alphabet, wherein shall be inserted every man's name, and the page wherein his account stands; and that this book be kept in the fairest and best method that the loan officers can, and it is to remain in the custody of him who has the minutes of the mortgages and proceedings.

Printer to bind 20 other blank books for the use of the loan officers, for keeping their accounts in.

And be it further enacted by the authority aforesaid, That the deeds to be granted by the new loan officers, for any lands to be sold by them, whereof the equity of redemption is foreclosed, shall be in form following, to wit. "This indenture made the day of in the year of our Lord one thousand between the new loan officers of the county of of the first part, and of the second part, Witnesseth, that the said loan officers of the county of for and in consideration of the sum of to them in hand paid by the said whereof they acknowledge the receipt and discharge, the said heirs, executors, and administrators thereof forever, have, pursuant to a law of the State of New-York, entitled, "An act for loaning monies belonging to this State," granted, bargained, sold, released, enfeoffed, and confirmed, and by these presents do grant, bargain, sell, release, enfeoff, and confirm unto heirs and assigns, all that together with all and all manner of improvements, hereditaments, and appurtenances whatsoever, to the same belonging, or in any wise appertaining, and all the estate, right, title, interest, claim, and demand whatsoever, of the new loan officers of the county of and their successors to the above bargained premises, and every part thereof. To have and to hold the above bargained premises, and every part thereof, with the appurtenances, to the said heirs and assigns forever. In witness whereof, the said loan officers of the county of have hereunto set the seal of their corporation, together with their hands, the day and year above written." Sealed and delivered in the presence of." To which deed the loan officers shall affix the seal of the loan office, and respectively subscribe their names, in the presence of two witnesses.

Form of the deed to be given by the loan officers for any lands sold by them.

And be it further enacted by the authority aforesaid, That upon every sale of lands, the new loan officers shall fill up the blanks in one of the loose sheets of blank mortgages like to the original mortgage, and attest the same as a true copy under their hands and the seal of the loan office, and give it instead of the original mortgage, for evidence of the title to the purchaser; and the bond to be given by the loan officers shall be in the following form, to wit. KNOW all Men by these presents, that we are held and firmly bound unto the people of the State of New-York, in the sum of to be paid to

When any lands are sold by the loan officers, they shall fill up one of the loose blank mortgages, like to the original mortgage given on such land, and deliver it to the purchaser.

Form of the bond to be given by the loan officers to the people of this State.

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the people of the State of New-York; for payment whereof, we bind ourſelves, our heirs, executors and adminiſtrators, jointly and ſeverally, firmly by theſe preſents, ſealed with our ſeals, and dated the day of in the year of our Lord one thouſand

THE Condition of this obligation is ſuch, that if the above bounden ſhall and do well and truly perform the office and duty of one of the loan officers of the county of purſuant to the act entitled "An act for Loaning Monies belonging to this State," and ſhall demean himſelf therein, without favor, malice or partiality, then the obligation to be void, otherwiſe to remain in full force and virtue.

Sealed and belivered in the preſence of

Mayor, aldermen & commonalty, of New-York, as far as reſpects this act, veſted with the like power and authorities as the judges and ſupervisors of the other counties.

And be it further enacted by the authority aforeſaid, That all the power and authority by this act given to, and duties required to be done, by the judges and ſupervisors of the ſeveral other counties of this State, ſhall be veſted in, and exerciſed by the Mayor, Aldermen and Commonalty of the city of New-York, in common council convened, ſo far as the matters and things in this act contained, relate to the county of New-York. And the Mayor, Recorder, Aldermen and Aſſiſtants for the time being, of the city of New-York, ſhall be ſubject to the like penalties, and forfeitures as the ſaid judges and ſupervisors are ſubject to for any default or neglect.

Order, in which the treaſurer is to pay the ſeveral ſums herein before directed, to the loan officers of the ſeveral counties.

And be it further enacted by the authority aforeſaid, That the treaſurer ſhall pay the aforeſaid ſeveral ſums of money directed to be paid to the loan officers of the ſeveral counties of Ontario, Herkemer, Tioga, Otſego and Clinton, upon their reſpectively producing to him certificates of their qualifications as aforeſaid, and that he ſhall pay the aforeſaid ſeveral ſums directed to be paid to the reſpective loan officers of the ſeveral other counties in the following order, viz. Waſhington, Montgomery, Saratoga, Renſſelaer, Albany, Columbia, Ulſter, Dutcheſs, Orange, Weſtcheſter, Suffolk, Queens, Richmond, Kings and New-York, as money not otherwiſe appropriated may be, or may come into the treaſury.

CHAP. XXVI.

An ACT *to incorporate the ſociety of Mechanicks and Tradeſmen of the City of New-York, for Charitable Purpoſes.* *Paſſed the 14th of March* 1792.

Preamble, reciting, that the ſociety of mechanicks and tradeſmen have prayed to be incorporated for charitable purpoſes.

WHEREAS Robert Boyd and others, mechanicks and tradeſmen of the city of New-York, aſſociated as a ſociety under the ſtile of "The General Society of Mechanicks and Tradeſmen of the City of New-York," for the laudable purpoſes of protecting and ſupporting ſuch of their brethren as by ſickneſs or accident, may ſtand in need of aſſiſtance, and for the relief of the widows and orphans of thoſe, who may die leaving little or no property for their ſupport, by their petition preſented to the Legiſlature, have prayed to be incorporated, to enable them more beneficially, to carry into effect their charitable intentions. Therefore

Said ſociety declared to be incorporated by the name of "The general ſociety of mechanicks and tradeſmen of the city of New-York.

Be it enacted *by the People of the State of New-York, repreſented in Senate and Aſſembly*, That the ſaid Robert Boyd, together with Nicholas N. Anthony, Thomas Allen, William Allen, Jacob Arden, Francis Arden, John Amory, Allard Anthony, Jacob I. Arden, Thomas Aſh, Elbert Anderſon, Jacob Arnold, John Burger, John Burger, junior, William Bryar, Micheal Brooks, Abraham Bloodgood, Francis Baſſett, David Barcklay, Walter Bicker, Gardner Baker, James Brown, James Bramble, John P. Baſſonett, John Brower, Thomas Brewen, James Byrne, John Brown, Peter Bertine, John Bingham, James D. Biſſert, Thomas Brown, John Banks, Iſaac Boyea, Caleb Boyle, John Campbell, Joſeph Cheeſman, John Commendener, John Cole, Peter Cole, Richard Cunningham, Samuel Campbell, Francis Childs, William Corleys, William Carman, John Clitz, Seabury Champlain, John Crolius, Iſaac Coulthard, James Culbertſon, Richard Davis, John De La Montanye, Walter Degraw, James Van Dyck, John Van Dyck, William I. Elſworth, John Elſworth, Jacob Fiſler, Gabrial Furman, Jacob Fee, William Ford, George Goſman, William W. Gilbert, John Goodeve, John Gilmore, Robert Goſman, Alexander Gibſon, Caleb Haviland, Thomas Hazard, Robert Hodge, Peter Hulick, Hercules Heron, William Hopſon, Daniel Hitchcock, Jabez Halſey, Jacob Hallett, Aaron Howel, Obadiah Helmes, Thomas Ivers, Joſeph Jadwin, Seth Kneelen, George Lindſey, Robert Lilburn, Thomas Leſoy, John Moore, John M'Comb, Senior, Dennis M'Cready, John Mills, Malcom M'Euen, George Merſerve, William Merſerve, William Mooney, White Matlack, William Mooney, Peter R. Maverick, David Mann, Andrew Morris, James Moore, John M'Baine, Robert M'Dowl, John Ming, Iſaac Moore, Peter M'Carty, John M'Combe, jun. Joſeph Newton, Iſaac Nicoll, John Norman, Anthony Oglvie, Andrew Otterſon, Anthony Poſt, Abraham Polhemus, Jotham Poſt, John Perian, Edward Paten, George Pake, George Peck, Alexander Peacock, William Philips, William Parker, Abraham Ruſſell, James Robinſon, Frederick Reſler, Thomas Roſs, John Roſs, Abraham Ricker, John I. Ritchie, Daniel Ruckle, John Stagg, Thomas Stevenſon, John Sidell, Daniel Stanſbury, John Stricker, Graderus Smith, Frederick Stymets, Stephen Smith, Anthony Simons, Jacob Sherred, George Seal, George Speth, Henry Snyder, William Stymets, Peter Shackerly, Cornelius Sebring, Andrew Thompſon, James Tylee, James Teller, Aharſuerus Turk, Thomas Timpſon, Daniel Tooker, John Utt, John Wylley, Henry Will, Edward Watkeys, Hugh Walſh, William Wright, George Warner, Henry Wolf, James Warner, Nathaniel Woodward, Benjamin Williamſon, John Wood, John Wright, Andrew Wright and

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John Young, and all persons being Mechanicks or tradesmen, and resident within the city and county of New-York, who hereafter shall be members of the said society, shall be and hereby are ordained, constituted and declared to be, one body corporate and politic, in fact and in name, by the name of "The General Society of Mechanicks and Tradesmen of the City of New-York," until the first Monday of April, one thousand eight hundred and twelve, and that by that name, they and their successors for the term aforesaid, shall and may have succession, and shall be persons in law, capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts and places whatsoever, in all manner of action and actions, suits, complaints, matters and causes whatsoever; and that they and their successors may have a common seal, and may change and alter the same at their pleasure, and also that they and their successors by the name of "The General Society of Mechanicks and Tradesmen of the City of New-York," shall be in law capable of purchasing, holding and conveying any estate, real or personal, for the public use of the said corporation.

And to continue so incorporated until the first Monday of April in the year 1812, with full power to sue and be sued and hold real property.

Provided, That the lands, tenements and hereditaments, which it shall be lawful for the said corporation to hold, shall be only such as shall be requisite for the purpose of erecting a house or hall thereon, in which to meet, and to transact the business of the said corporation, or such as shall have been *bona fide* mortgaged to it, by way of security, or conveyed to it in satisfaction of debts previously contracted, in the course of its business, or purchased at sales on judgments, which shall have been obtained for such debts.

Restrictions as to the real property the corporation may hold.

And provided also, That the amount of the real and personal estate, which the said corporation are hereby enabled to hold, shall not at any one time exceed the sum fifty thousand dollars.

Their whole amount of property not to exceed 50,000 dollars at any one time.

And be it further enacted, That the officers of the said corporation, shall be a President, Vice-President and a second Vice-President, a Treasurer and Secretary, who shall hold their offices for one year, and shall be citizens of this State, and be elected on the first Tuesday in January in every year, at such time of the day, and at such place in the city of New-York, as shall be fixed and ascertained by the bye laws of the said corporation. That all elections of the said officers or any of them, shall be by ballot, and such person who shall have at any election, the greatest number of votes given at such election, as President, shall be the President; and in like manner the person who shall have the greatest number of votes as Vice-President, shall be Vice-President; and in like manner, the person who shall have the greatest number of votes for second Vice-President, shall be second Vice President; and in like manner, the person who shall have the greatest number of votes as Treasurer, shall be Treasurer; and in like manner, the person who shall have the greatest number of votes as Secretary, shall be Secretary. And the said officers shall hold their respective offices for one year; and until others shall be chosen in their places. That if any vacancies shall happen among the said officers, by death, resignation or removal, such vacancies shall be filled for the remainder of the year, in which they may happen, by a special election for that purpose, to be held in the same manner, as the annual elections are made at such times and places as shall be provided for and determined, by the bye laws of the said corporation. That Robert Boyd shall be the first President of the said corporation, Anthony Post Vice-President thereof, Daniel Hitchcock second Vice-President thereof, Thomas Lefoy the Treasurer thereof, and John Elsworth the Secretary thereof, who shall hold their offices respectively, until the first Tuesday in January next, and until others shall be chosen in their places.

Officers of said corporation, their time and manner of election and continuance in office

The first officers of the corporation appointed, to hold their offices until a certain day.

And be it further enacted, That in case it should at any time happen, that an election of officers should not be made on any day, when pursuant to this act, it ought to have been made, the said corporation shall not for that cause be deemed to be dissolved, but it shall and may be lawful on any other day, to hold and make an election of officers, in such manner as shall have been regulated by the laws and ordinances of the said corporation.

Corporation not to be dissolved for want of an election of officers on the proper day.

And be it further enacted, That all elections and all meetings of the said corporation, shall be made and held in a place certain, to be fixed and determined by the bye laws of the said corporation, and that at all such elections and meetings of the said corporation, so to be held as aforesaid, twenty-five members thereof including the President, or in his absence the Vice-President, or in his absence the second Vice-President, shall be considered as a quorum of the said corporation, and shall have full power to do and transact all the business thereof.

All elections and meetings to be held at a place certain, fixed by the bye laws and twenty-five members to form a quorum.

And be it further enacted, That the said corporation and their successors, shall have full power to make and prescribe such bye laws, rules, ordinances and regulations, as to them from time to time shall appear needful and proper, touching the management and disposition of their stock, property, estate and effects, for the purposes aforesaid, and touching the meetings of the said society both special and ordinary, except the first Tuesday in January in every year, which is hereby declared to be the annual meeting of the society; and touching the duties and conduct of the officers of the said corporation, and touching the election of officers, and all such other matters as appertain to the business, ends and purposes for which the said corporation is by this act instituted, and for no other purposes whatsoever.

Corporation empowered to make bye laws for their own government.

Provided, That such bye laws, rules and regulations, be not repugnant to the constitution, or the laws of the United States, or of this State.

Proviso.

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How additional new members are to be elected.

And be it further enacted, That all perſons being mechanicks or tradeſmen, and reſident within the city and county of New-York, deſiring to become members of the ſaid corporation, ſhall be propoſed by at leaſt two members, one meeting previous to his or their election, which ſhall be by ballot, and determined by two thirds of the members preſent at ſuch election; that then he or they ſo elected, on paying into the hands of the treaſurer, ſuch ſum as the corporation by their bye laws ſhall direct: *Provided*, the ſame ſhall not exceed the ſum of ten dollars, ſhall have his or their names inſerted in the general regiſter, and ſhall be entitled to all the privileges and benefits ariſing therefrom.

And to the end, that the funds of the ſaid corporation, may never be diverted to any other than the charitable purpoſes for which the inſtitution has been expreſsly made and created.

Corporation to exhibit a ſtate of their funds to the Chancellor within a certain day, and annually ever after.

Be it further enacted, That the ſaid corporation ſhall within twenty days after the paſſing of this act, exhibit to the Chancellor of this State, a full and particular account, of all the eſtate, real and perſonal then veſted in the ſaid corporation, atteſted by the oath of the treaſurer thereof, that the ſame is a true and perfect account; and ſhall alſo in every year thereafter, during the continuance of this act, and between the firſt and laſt day of May in each year, exhibit to the Chancellor for the time being, a like account, together with a particular and detailed account of all monies by the ſaid corporation expended in the preceding year, ſpecifying the ſeveral purpoſes to which it has been applied: And if it ſhall appear to the ſaid Chancellor, that any monies, except for the neceſſary repairs of any buildings, which may belong to the ſaid corporation, or for the payment of the treaſurer or ſecretary thereof, or for other charges expreſsly incidental to the management of the funds thereof, have been applied by the ſaid corporation to any uſe, other than for the ſupport of indigent members of the ſaid corporation, or the widows or children of any perſon having been a member thereof; he ſhall direct the Attorney General of the State for the time being, *ex officio*, to file an information againſt the ſaid corporation in the Supreme Court of this State; and if upon the traverſe, the ſaid corporation ſhall be found guilty, and judgment ſhall paſs thereupon, that thenceforth the ſaid corporation ſhall ceaſe and become null and void, and the eſtate, real and perſonal which it may then poſſeſs, ſhall veſt in the people of this State.

This act declared to be a public act.

And be it further enacted, That this act be, and hereby is declared to be a public act, and that the ſame be conſtrued in all courts and places benignly and favourably, for every beneficial purpoſe therein intended.

CHAP. XXVII.

An act to extend the Act, entitled, "An act for the better laying out and keeping in repair, the public highways and private roads in the county of Weſtcheſter, to certain roads in the county of Montgomery. *Paſſed the 23d of March, 1792.*

Weſtcheſter county road act, extended to part of Montgomery county.

BE it enacted *by the People of the State of New-York, repreſented in Senate and Aſſembly*, That the act entitled, "An act for the better laying out, and keeping in repair, the public highways and private roads in the county of Weſtcheſter," ſhall be, and is hereby extended to the county of Montgomery, ſo far forth as reſpects the roads next adjoining to the Mohawk river, on both ſides thereof, from the county of Albany to the county of Herkemer, and that the act entitled, "An act for the better laying out, regulating, and keeping in repair, all common and public highways and private roads in the counties of Ulſter, Orange, Dutcheſs, Waſhington, Weſtcheſter, Albany, and Montgomery, ſo far as reſpects the above mentioned roads in the ſaid county of Montgomery, be, and the ſame is hereby repealed.

And the former road act as far as it reſpects ſuch part of Montgomery repealed.

Directions when carriages meet in Montgomery, which ſhall give way.

And be it further enacted, That in the ſaid county of Montgomery, where any carriages or ſleighs meet each other on any of the ſaid roads or highways, the perſons in carriages or ſleighs going from the city of Albany ſhall give way to thoſe going towards the ſaid city.

CHAP. XXVIII.

An ACT *for the Relief of certain Baptiſts having conſcientious Scruples againſt taking an Oath.* *Paſſed the 23d of March, 1792.*

Preamble.

WHEREAS it has been repreſented to the legiſlature, by the petition of ſundry perſons of the denomination of Chriſtians of the Baptiſt perſuaſion, that many of their ſociety have conſcientious ſcruples againſt taking an oath: For the relief of ſuch perſons,

Baptiſts having conſciencious ſcruples againſt taking an oath, may take the affirmation allowed to be taken by quakers.

BE it enacted *by the People of the State of New-York, repreſented in Senate and Aſſembly*, That all perſons of the denomination of Chriſtians ſtiled Baptiſts, being members in full communion of any Baptiſt church, and who have conſcientious ſcruples againſt taking an oath, ſhall be permitted to take the affirmation allowed to be taken by the people called Quakers, in the form preſcribed in and by the ſtatute entitled, "An act that the ſolemn affirmation and declaration of the people called Quakers ſhall be accepted inſtead of an oath.

Proviſo.

Provided, That every perſon claiming the benefit of this act ſhall produce a certificate from the clerk of the Baptiſt church to which he does belong, that he is a regular member, and in good ſtanding in ſuch church, and that he hath conſcientious ſcruples againſt taking an oath.

And be it further enacted, That if any perſon or perſons making ſuch ſolemn affirmation or declaration, ſhall be lawfully convicted of having wilfully, falſely, and corruptly affirmed and declared any matter or thing, which, if the ſame had been depoſed in the uſual form, would have amounted to wilful and corrupt perjury, every perſon ſo offending ſhall incur and ſuffer the like pains, penalties, and forfeitures, as by the laws and ſtatutes of this State are or ſhall be directed to be inflicted on perſons convicted of wilful and corrupt perjury.

Any perſon making a falſe affirmation, deemed guilty of perjury, and ſubject to the penalties thereof.

CHAP. XXIX.

An ACT *to amend an Act, entitled, "An Act to regulate the repacking of Beef and Pork for Exportation," ſo far as relates to the Counties of Suffolk, Kings, and Queens.*

Paſſed the 23d of March, 1792.

BE it enacted *by the People of the State of New-York, repreſented in Senate and Aſſembly, and it is hereby enacted by the authority of the ſame*, That all barrels and half barrels, in which any beef or pork ſhall be repacked in the counties of Suffolk, Kings, and Queens, in purſuance of the act entitled, "An act to regulate the repacking of beef and pork for exportation," paſſed the ſeventh day of March, one thouſand ſeven hundred and eighty eight, may be made of good black oak or red oak ſtaves and heading, of the growth of the ſaid counties reſpectively; any thing contained in the ſaid act to the contrary notwithſtanding.

. Barrels or half barrels for repacking beef or pork, in Suffolk, Kings or Queens counties, may be made of red oak, of the growth of ſaid counties.

CHAP. XXX.

An ACT *for the Relief of George Peck, and to repeal the twenty third Section of the Act entitled, "An Act for the Payment of certain Sums of Money, and for other Purpoſes therein mentioned.*

Paſſed the 23d of March, 1792.

WHEREAS John Johnſon, late of Peck's Kill, in the county of Weſtcheſter, has been convicted of adhering to the enemies of the people of this State, and his eſtate is thereby become forfeited to the people of this State: *And whereas* the ſaid John Johnſon had, previous to his conviction, mortgaged to George Peck a certain real eſtate in the ſaid county of Weſtcheſter, for ſecuring the payment of money due to the ſaid George Peck: *And whereas* there is now in the treaſury of this State property ariſing from the eſtate of the ſaid John Johnſon, ſufficient to pay the monies due on the ſaid mortgage: Therefore

Preamble, reciting that a certain John Johnſon, previous to his conviction, mortgaged his eſtate to Geo. Peck.

BE it enacted *by the People of the State of New-York, repreſented in Senate and Aſſembly, and it is hereby enacted by the authority of the ſame*, That it ſhall be lawful for the Treaſurer of this State, and he is hereby directed to pay to the ſaid George Peck, the money due for principal and intereſt on the ſaid mortgage, upon his aſſigning and conveying his eſtate and right of, in, and to the ſaid mortgage and mortgaged premiſes, to and for the uſe of the people of the State of New-York.

Treaſurer to pay ſaid Peck the amount of the debt, on his aſſigning the mortgage to the people of the ſtate.

And be it further enacted by the authority aforeſaid, That the twenty third ſection of the act, entitled, "An act for the payment of certain ſums of money, and for other purpoſes therein mentioned," paſſed the fifth day of May, in the year of our Lord one thouſand ſeven hundred and eighty ſix, ſhall be, and hereby is repealed.

23d ſection of an act for paying certain ſums of money, paſſed in the year 1786, repealed.

CHAP. XXXI.

An ACT *to eſtabliſh a temporary Juriſdiction Line between the Town of Schenectady and the County of Saratoga.*

Paſſed the 23d of March, 1792.

WHEREAS doubts have ariſen reſpecting the bounds of the town of Schenectady, and the county of Saratoga, from which many inconveniencies ariſe to the inhabitants reſiding near the northerly and eaſterly bounds of the ſaid town: For remedy whereof,

Preamble.

BE it enacted *by the people of the State of New-York repreſented in Senate and Aſſembly, and it is hereby enacted by the authority of the ſame*, That it ſhall and may be lawful for the ſurveyor general, and he is hereby directed, as ſoon as may be, to run the eaſterly and northerly bounds of the patent granted to Sware Teuniſſee and others, commonly called the Schenectady patent, on the north ſide of the Mohawk river, in ſuch a direction, and upon ſuch principles, as ſhall appear to him to be the true intent and meaning of the patent; which line, ſo run, ſhall be the northerly and eaſterly bounds of the town of Schenectady, in the county of Albany, until the further order of the legiſlature.

Surveyor-general to run a certain line, to be conſidered as the northerly and eaſterly bounds of Schenectady patent.

Provided always, That the ſaid line ſhall only be conſidered as a line of juriſdiction, but ſhall not be deemed to take away a bridge, deſtroy or affect the right or title of any perſon or perſons, bodies corporate or politic, in any manner, or by any means whatſoever, nor be deemed, taken, or conſtrued as a confirmation of the bounds of any patent or patents whatſoever.

Such line to be only a line of juriſdiction, but not to affect private rights.

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CHAP. XXXII.

An ACT *for the Relief of Benjamin Lyon.*

Paſſed the 23d day of March, 1792.

Preamble, reciting that Benjamin Lyon had by miſtake paid certificates into the treaſury for a debt ſuppoſed to be due to the forfeited eſtate of William Axtel.

WHEREAS Benjamin Lyon, adminiſtrator of the perſonal eſtate of Caleb Hyatt, deceaſed, on the eleventh day of November, one thouſand ſeven hundred and eighty four, paid into the treaſury of this State one hundred and four pounds nine ſhillings and a penny, in loan office certificates, of which ſum eighty one pounds nine ſhillings and ten pence was principal, as a debt due from Caleb Hyatt to William Axtel, whoſe eſtate was forfeited, which debt, as ſince appears, was due, and has been paid to David M. Clarkſon and Mathew M. Clarkſon: Therefore

Treaſurer directed to re-pay ſaid Lyon in caſh.

Be it enacted *by the People of the State of New-York, repreſented in Senate and Aſſembly*, That the treaſurer of this State pay to the ſaid Benjamin Lyon the ſum of one hundred and four pounds nine ſhillings and one penny, with intereſt at the rate of ſix per centum per annum on the ſum of eighty one pounds nine ſhillings and ten pence, parcel thereof, from the eleventh day of November, one thouſand ſeven hundred and eighty four, until the day of the paſſing of this act.

CHAP. XXXIII.

An ACT *to repeal the Acts therein mentioned.*

Paſſed the 23d of March, 1792.

Act for electing repreſentatives in Congreſs, and the act for canvaſſing the votes for ſuch repreſentatives, repealed.

Be it enacted *by the People of the State of New-York, repreſented in Senate and Aſſembly, and it is hereby enacted by the authority of the ſame*, That the act entitled, "An act directing the times, places, and manner of electing repreſentatives in this State for the Houſe of Repreſentatives of the Congreſs of the United States of America," and the act entitled, "An act to alter the time of meeting of the committee for canvaſſing the votes for repreſentatives of this State in the Congreſs of the United States," ſhall be, and hereby are repealed.

CHAP. XXXIV.

An ACT *for the Relief of William Chaſe, and for keeping in Repair the Bridge erected over Hoſick River.*

Paſſed the 23d of March, 1792.

Commiſſioners of the land-office to cauſe 12,000 acres to be laid out and granted to William Chaſe, as a compenſation for a certain bridge, on his conveying ſaid bridge to the ſtate.

Be it enacted *by the People of the State of New-York, repreſented in Senate and Aſſembly*, That it ſhall and may be lawful to and for the commiſſioners of the land-office, and they are hereby directed to cauſe to be laid out for William Chaſe, at his expence, a tract of unappropriated land, not exceeding twelve thouſand acres, in ſuch part of the State as they may think proper, to the northward of the Mohawk river, as a compenſation for the bridge lately erected by him over Hoſick river, in the county of Renſſelaer, and to cauſe the ſame to be granted by letters patent, under the great ſeal of this State, to him and his heirs, upon his granting and conveying the ſaid bridge, and all his right, title, and intereſt, of, in, and to the ſame, and of, in, and to the highway leading to and from the ſaid bridge, on each ſide of the ſaid river, to the people of this State.

Said bridge to be kept in repair by the commiſſioners of highways for the town of Schactekoke, at the expence of Renſſelaer county.

And be it further enacted, That the commiſſioners of the highways for the town of Schachtekoke, for the time being, ſhall cauſe the ſaid bridge, from time to time, to be maintained and kept in repair at the expence of Renſſelaer county, ſuch expence to be aſſeſſed, raiſed, and collected in the ſaid county, in the ſame manner as the other contingent charges of the ſaid county are aſſeſſed, raiſed, and collected; which monies, ſo raiſed for the expence of the ſaid bridge, ſhall be paid to the commiſſioners of the highways in the town of Schachtekoke, for the purpoſe aforeſaid: *Provided* the ſum, ſo to be raiſed for ſuch expence, ſhall not exceed, in any one year, the ſum of fifty pounds.

A former act for relief of ſaid Chaſe repealed.

And be it further enacted, That the act entitled, "An act for the relief of William Chaſe," ſhall be, and hereby is, repealed.

CHAP. XXXV.

An ACT *concerning Adminiſtrations and Eſcheats.* *Paſſed the 23d, March* 1792.

Preamble, reciting that adminiſtrations have been frequently granted without due proof of the death of the party upon whoſe eſtate the adminiſtrations were granted.

WHEREAS Adminiſtrations have been frequently granted in this State, upon the mere ſuggeſtion of the party applying for the ſame, without due proof of the death of the perſon upon whoſe eſtate they are granted; and it has happened that adminiſtrations have been granted upon the eſtates of perſons who were then living and reſiding within this State, and adminiſtrations are frequently granted to perſons in no wiſe related to the inteſtate, and who procure adminiſtrations only with a view of appropriating the eſtates of the inteſtate to their own uſe, from which practices great inconveniencies are likely to enſue: For remedy whereof,

No adminiſtrations hereafter to be granted without due proof of the death of the party.

Be it enacted *by the People of the State of New-York, repreſented in Senate and Aſſembly, and it is hereby enacted by the authority of the ſame*, That no letters of adminiſtration ſhall hereafter be granted by the Judge of Probates, or by any Surrogate upon the eſtate, goods, chattels or credits of any perſon repreſented as having died inteſtate, until due proof be made before the ſaid Judge or ſuch Surrogate to his ſatisfaction that ſuch perſon is dead, and died inteſtate.

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And be it further enacted by the authority aforesaid, That when application is made for letters of administration upon the estate, goods, chattels or credits of any person dying intestate, by any person or persons not entitled to the same, as next of kin to the intestate, the Judge of the Court of Probates, or Surrogate, to whom such application shall be made, shall, before the granting of the administration, issue a citation to the next of kin to the intestate, summoning them to appear and shew cause, if any they have, why the administration should not be granted to the person or persons so applying, which citation shall be served upon the next of kin to the intestate if to be found in this state; and if the next of kin to the intestate cannot be found in this State, then a copy of such citation shall be affixed up in some public place in the town where the intestate did reside, at the time of his death, at least four weeks before the return thereof. And in case such intestate did not reside within this State at the time of his death, then a copy of the citation shall be published in the newspaper printed by the printer for this State, for four weeks successively before the return thereof. And in case it shall be represented, that such intestate left no relations entitled to his estate, then a copy of such citation shall also be served upon the Attorney-General of this State for the time being, at least twenty days before the return thereof.

When application is made for letters of administration upon an intestate's estate, by any one but the next of kin, certain citations to be issued.

And be it further enacted by the authority aforesaid, That the Judge of the Court of Probates of this State, and the Surrogates of each of the respective counties of this State, and every of them for the time being shall and may, upon their respectively granting and committing of administration of the goods of any person, with the will of such person annexed, take of the respective person or persons to whom such administration shall be committed, bonds with two or more able and sufficient sureties, being freeholders to the people of the State of New-York, in such penalty as the Judge or such Surrogate shall think reasonable, respect being had to the value of the estate, with condition as follows, viz: "The condition of this obligation is such, that if the above bounden Administrator (or Administratrix, as the case may be) of all and singular the goods, chattels and credits of deceased, with the will of the said annexed, and not administered by (as the case may be) do make, or case to be made, a true and perfect inventory of all and singular the goods, chattels and credits of the said deceased, which have or shall come to the hand possession or knowledge of said or into the hands or possession of any other person for the said and the same so made, do exhibit, or cause to be exhibited (where such bond shall be taken by the Judge of the Court of Probates) into the registry of the Court of Probates of this State (but where such bond shall be taken by a Surrogate) into the office of the Surrogate of the county of at or before the expiration of six calender months from the date of the above written obligation, and the same goods, chattels and credits, and all other goods, chattels and credits of the said deceased at the time of death, which at any time after shall come into the hands or possession of the said or into the hands or possession of any other person or persons for the said do well and truly administer, according to the directions and true intentions of the Testator (or Testatrix, as the case may be) expressed in the will to the letters of administration granted to the said annexed, and as the law directs, and further when thereunto lawfully required, do make or cause to be made a just and true account of administration; then this obligation to be void and of none effect, or else to remain in full force and virtue. Which bonds shall be of the same force and effect and may be prosecuted upon the like occasions, and for the purposes, and in the same manner, as the bonds taken upon granting administrations on the estates of persons dying intestate.

Judge of probates or surrogate upon granting letters of administration with the will annexed, to take bonds with two sufficient sureties.

The condition of such bond.

And be it further enacted by the authority aforesaid, That in all cases where administration hath been, or hereafter shall be granted to any person or persons not the widow of, or not of kin to the intestate; and no person hath or shall within one year after granting the letters of administration appear to claim the personal estate of such intestate as next of kin, then and in every such case, the Administrator or Administrators shall pay the amount of the personal estate after deducting the debts and funeral charges of the intestate into the treasury of this State, for the benefit of those who may thereafter appear to be entitled to the same. And if any Administrator shall refuse or neglect so to do, it shall and may be lawful for the Attorney-General of this State for the time being, and he is hereby directed at any time after the expiration of one year after the granting the said administration, to cause such Administrator to be cited to exhibit a just and true inventory and render an account of the administration of the goods, chattels and credits of such intestate, unless such Administrator shall have before exhibited such inventory, and then only to render an account of the administration as aforesaid, and the Judge of the Court of Probates or Surrogate before whom such Administrator shall be cited, shall thereupon examine and settle such account, and after deducting all debts and funeral charges of the intestate, shall order and direct the Administrator to pay the balance to the Treasurer of this State for the purposes aforesaid, but no commission whatsoever shall in such case be allowed to such Administrator on such account, and in case any such administrator shall neglect or refuse to exhibit such inventory, or to render such account, or to pay the amount of the estate of the intestate to the Treasurer as aforesaid, then and in every such case it shall be lawful for the Attorney-General, and he is hereby directed to cause a suit to be brought for and on behalf of the people of the State of New-York against such Administrator, in any court of record for the sum so ascertained by the Judge of the Court of Probates or Surrogate, or in the Court of Chancery, for an account of the estate of the intestate, and to compel payment of the same into the treasury as aforesaid, and also to cause suits to be brought upon the bond given by such Administrator upon obtaining the letters of administration: And if such Administrator shall be found in default and judgement, or a decree be given or obtained against him in any

When any one but the widow or next of kin has administered, and no person appears within a year to claim the personal estate, then the administrator to pay the same, after deducting funeral charges, &c. into the state treasury.

If any administrator shall neglect so to do, the attorney-general to cite him before the judge.

If any administrator shall refuse to exhibit an inventory, or pay the surplus into the treasury as above directed, attorney-general to bring a suit against him

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And the monies recovered in such suit to be paid into the treasury for certain purposes.

such suit he shall pay costs therein to be taxed to the Attorney-General: And the monies recovered in every such suit and upon such bonds shall be paid into the treasury of this State for the purposes aforesaid. And if any person at any time thereafter shall claim any part of the money so paid into the treasury, such person may present a petition to the Chancellor, stating the claim and praying an order to the Treasurer to pay the money, a copy of which petition shall be served upon the Attorney-General, who shall put in an answer to the same, and the Chancellor shall thereupon examine the said claim and the allegations and proofs, and if he shall find that such person is entitled to any money so paid into the treasury, he shall cause an order or warrant to be issued directing the Treasurer to pay the same, but without any interest or costs to the person so entitled to it, which warrant or order shall be sealed with the seal of the said Court of Chancery, and be signed by the Chancellor and counter-signed by the Register of the said court, and shall be a sufficient voucher for the payment of the money therein directed to be paid.

When any person dies intestate, and without heirs, the attorney-general to cause a writ of seizure to be issued out of the court of chancery to the sheriff of the county

Form of the writ.

And be it further enacted by the authority aforesaid, That whenever the Attorney General of this State shall be informed, or have reason to suspect, that any person has died seized of any real estate within this State, without making any devise thereof, and leaving no heir capable of inheriting the same, it shall be lawful for him, and he is hereby required to cause a writ to be issued out of the court of chancery, and directed to the sheriff of the county in which the same real estate shall be situated, in the form following. "The people to the sheriff of greeting: Because we are informed that A. B. died seized of divers lands, tenements, and hereditaments, in your county, without making any devise thereof, and leaving no heir capable of inheriting the same, We command you, that by the oath of twelve good and lawful men of your bailiwick, you diligently enquire what lands, tenements, and hereditaments, the said A. B. was seized of at the time of his death, of any and what estate of inheritance, and when he died, and whether he made any and what devise thereof, and whether he left any heir, and, if he did, who is his heir, and what is the clear yearly value of such lands, tenements, and hereditaments, above reprizes; and the inquisition which you shall take thereof do you send under your seal, and the seals of those by whose oath you take the same inquisition, before us in our chancery, without delay, wheresoever the said court shall then be, together with this writ." And upon the return of the inquisition thereupon taken, any person aggrieved thereby may traverse the same; and when any issue shall be joined thereupon, the record thereof shall be sent into the supreme court of judicature of this State, there to be tried and determined according to law; and if judgment shall be given thereupon for the people of this State, then a writ shall be issued out of the same supreme court, to the sheriff of the same county, commanding him to seize and take the lands, tenements, and hereditaments, whereof the person named in such inquisition shall be found to have died seized as aforesaid, into the hands of the people of this State. But if no such traverse shall be taken to such inquisition before the end of the next term after the return of the same inquisition, then such writ shall immediately thereafter be issued out of the court of chancery, commanding the sheriff to seize and take the same land, tenements, and hereditaments, into the hands of the people of the State of New-York; and upon the return of such writs of seizure, the Attorney General shall cause the record and process to be exemplified under the seal of the court out of which the same writs of seizure issued, and deposit such exemplification in the office of the secretary of this State; and the commissioners of the land office shall thereupon cause the said lands, tenements, and hereditaments, to be sold at public vendue, by the surveyor general, who shall give at least six weeks previous notice of the time and place of such sale, by publishing the same in the newspaper printed by the Printer to this State, and in one of the newspapers printed in the city of Albany; and the surveyor general shall, upon such sale, give the purchaser a certificate containing the name of the purchaser, and a description and the bounds of the lands, tenements, and hereditaments purchased, and the price to be paid for the same; and the purchaser shall thereupon, and within thirty days thereafter, pay to the treasurer of this Srate the sum mentioned in such certificate, and the treasurer shall thereupon endorse a receipt for the same upon such certificate; and upon producing the same certificate and receipt to the commissioners of the land office, they shall cause letters patent to be issued to such purchaser, for the lands, tenements, and hereditaments in the same certificate mentioned; which letters patent shall be in such form as the said commissioners shall direct, and shall grant and convey an estate of inheritance in the said lands, tenements, and hereditaments, to such purchaser, and to his heirs and assigns forever; and upon the production of such letters patent to the sheriff, he shall deliver the possession of the said lands, tenements, and hereditaments, to the purchaser thereof.

And upon the return of the writ, the attorney general to cause the record and process to be exemplified and deposited in the secretary's office, and the land office to cause the lands to be sold by the surveyor-general.

And on the payment of the purchase money letters patent to issue to the purchaser.

The like process to be had as in the last clause upon all estates forfeited hereafter for treason or felony.

And be it further enacted by the authority aforesaid, That the like process and proceedings as in the next preceding clause, as near as the different circumstances of the cases will admit, shall be observed, had, and pursued in all cases of real estates forfeited, or hereafter to be forfeited, for treason or felony, or upon any outlawry for the same, and in all cases of forfeiture of personal estate for treason or felony, the Attorney General of this State may sue for and recover the same, for and in behalf of the people of this State, and shall pay the amount thereof, when recovered, into the treasury of this State; and in cases where it shall be necessary, the Attorney General may cause a writ to be issued out of the court of chancery, to the sheriff of any county, to enquire what goods and chattels any person convicted of treason or felony, or outlawed for the same, had at the time of such conviction, and to seize and safely keep the same, and return the inquisition into the court of exche-

quer, where any perſon aggrieved thereby may traverſe the ſame; and if judgment ſhall be given upon ſuch traverſe for the people of this State, or if ſuch inquiſition ſhall not be traverſed before the end of the term in which it ſhall be returned, then a writ ſhall be iſſued out of the court of exchequer, to the ſheriff, commanding him to ſell the ſaid goods and chattels, and to bring the monies ariſing from the ſale thereof into the ſaid court, for the uſe of the people of this State. *Provided always*, that nothing in this act contained, nor any proceedings under the ſame, ſhall be conſtrued to affect the legal right or title of any perſon or perſons whomſoever, of, in, or to any lands or tenements to be ſold and conveyed in purſuance of this act.

Proviſo.

And be it further enacted by the authority aforeſaid, That the Attorney General ſhall keep an account of the expences incurred by him in the execution of this act, and ſhall yearly, in the term of January, in every year, produce the ſame to the judge of the court of exchequer, with an account of all the coſts and ſums of money received by him on account of proſecutions in virtue of this act; and the judge ſhall examine, audit, and ſettle the ſaid account, and if any balance ſhall be found due thereon to the Attorney General, the ſame ſhall be allowed and paid to him out of any monies then in the hands of the clerk of the ſaid court of exchequer, or in the hands of the ſaid Attorney General, and if neither of them have ſufficient for that purpoſe, then the judge ſhall iſſue his warrant to the treaſurer to pay the balance to the ſaid Attorney General; which warrant ſhall be under the ſeal of the ſaid court of exchequer, and be ſigned by the judge, and counterſigned by the clerk of the ſaid court, and ſhall be a ſufficient voucher to the treaſurer for the payment of the ſum therein directed to be paid.

Attorney-general to keep an account of all yearly expences incurred by him, and produce the ſame to the judge of the exchequer court who ſhall pay the ſame, if he has any money in his hands, & if not, ſhall give an order on the treaſurer.

CHAP. XXXVI.

An ACT *for the relief of Henry Livingſton and others.*

Paſſed the 27 of March, 1792.

Be it enacted *by the People of the State of New-York, repreſented in Senate and Aſſembly*, That the treaſurer of this State ſhall pay to the following perſons, the amount of their accounts for the following articles, impreſſed in the year one thouſand ſeven hundred and eighty, by Henry I. Van Renſſelaer and Egbert Dumond, under a warrant from his Excellency the Governor of this State, in purſuance of an act entitled "An act authorizing the perſon adminiſtering the government of this State, to grant warrants of impreſs." Paſſed the 23d day of June, 1780, that is to ſay. To Henry Livingſton, as an executor of Robert Livingſton, Eſquire, deceaſed, for four hundred and ſeventy-eight buſhels of wheat, twelve buſhels of Indian corn, and three buſhels of oats; and to Henry Platner, for four hundred and ninety-five buſhels of wheat, and twelve barrels of flour; and to Jonas Miller, for twenty-two buſhels of wheat; and to Peter Pulver, for fifteen buſhels of wheat; and to William Lynk, for ſixteen buſhels of wheat and four buſhels of rye; and to Philip Clum, for fifteen buſhels of wheat; and to Baſtian Laſher, for two buſhels of rye; and to Charles Frits, for two buſhels of wheat; and to Coenraed Berenger, for twenty buſhels of wheat; and to Zachariah Volant, for three buſhels of Indian corn and four buſhels of rye; and to Philip Danſbagh, for twenty buſhels of wheat; and to Jacob Enderſon, for nine buſhels of wheat; and to Dirck Janſen, for forty buſhels of wheat; and to William Beckers, for thirty-five buſhels of wheat, ſix buſhels of Indian corn, ſix buſhels of rye, and ſix buſhels of oats; and to Coenraedt Laſher, for twenty buſhels and three quarters of a buſhel of wheat; and to Frederick Rowe, for one hundred buſhels of wheat; and to Zophar Weeks, for twenty-ſeven buſhels of wheat; and to Hendrick Bartle, for twenty-five buſhels of wheat; and to Arie Delong, for ſixteen buſhels of wheat; and to Iſaac Quackenboſs, for two barrels of flour; and to Jacob Ford, for two tierces of flour; and to Abraham I. Van Alſtyne, for fourteen buſhels of wheat; and to Abraham Van Alſtyne for fifty buſhels of wheat; and to Tobias R. Van Deuſen, for two barrels of flour; and ſhall allow for each barrel of flour, forty ſhillings, and for each buſhel of wheat eight ſhillings, and for each buſhel of rye, four ſhillings; and for each buſhel of Indian corn, four ſhillings; and for each buſhel of oats, two ſhillings, with intereſt for the ſame, at the rate of five per cent from the time of the delivery thereof.

Treaſurer to pay to ſeveral perſons the amount of their accounts for wheat, flour, &c. impreſſed from them during the late war.

Rate at which he is to allow for ſaid wheat, flour, &c.

CHAP. XXXVII.

An ACT *to regulate the practice of Phyſic and Surgery within the City and County of New-York.*

Paſſed the 27th of March, 1792.

WHEREAS many ignorant and unſkilful perſons preſume to adminiſter phyſic, and practice ſurgery within the city and county of New-York, to the detriment and hazard of the lives and limbs of the citizens thereof, for the prevention of ſuch abuſes in future.

Preamble.

Be it enacted *by the People of the State of New-York, repreſented in Senate and Aſſembly*, That from and after the paſſing of this act, no perſon whatſoever ſhall adminiſter phyſic or practice ſurgery within the city and county of New-York, before he ſhall have attended the practice of ſome reputable phyſician in the State of New-York, or elſewhere, for a term not leſs than two years, if he ſhall have been graduated in ſome college in the United States; nor leſs than three years, if he has not been ſo graduated, nor before he ſhall have been firſt examined, approved of and admitted by the Governor, Chancellor, Judges of the

No perſon to be admitted to practice phyſic in New-York until he has paſſed an examination and ſerved an apprenticeſhip.

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Supreme Court, Attorney General, the Mayor and Recorder of the ſaid city, or any two of them, they taking to their aſſiſtance for ſuch examination, any three reſpectable practitioners of phyſic and ſurgery, with whom the perſon or perſons to be examined, have not lived to acquire medical information, who after due examination and ſatisfactory proofs being given of ſuch candidates knowledge in the ſeveral neceſſary branches of medicine, ſhall certify under their hands and ſeals, that the perſon ſo examined is approved of, and ought to be admitted to practice in the ſaid faculty, and ſhall give a teſtimonial, or certificate, of his examination and admiſſion, in the form following, viz.

Examiners to certify his qualification.

TO all to whom theſe preſents ſhall come, or may concern, KNOW YE, That in purſuance of an act of the legiſlature of this State, paſſed the day of in the year entitled, "An act to regulate the practice of phyſic and ſurgery within the city and county of New-York, We have duly examined in reſpect to his knowledge of medicine, and having found him well qualified for the practice of this art, We do hereby admit him to practice in the ſaid faculty in this city and county. In Teſtimony whereof, we have hereunto ſet our hands and ſeals, the day of in the year

Form of their certificate.

And be it further enacted, That if any perſon ſhall practice phyſic or ſurgery within the city and county of New-York, without ſuch teſtimonial as aforeſaid, he ſhall not be entitled to any legal demand for his medicine and ſervices; and ſhall forfeit and pay for every ſuch offence the ſum of ſeven pounds; one half thereof to the uſe of any perſon or perſons who will firſt ſue for the ſame, and the other half to the uſe of the poor of the ſaid city and county, to be recovered by action of debt in any court where ſums of this amount are cognizable with coſts of ſuit; and if he ſhall commence any ſuit for recovery of damages, in conſequence of his ſaid ſervices, or for the adminiſtering of Medicine, it ſhall be lawful for the defendant in any ſuch ſuit, to plead the general iſſue, and give this act and the ſpecial matter in evidence.

Penalty for practiſing without ſuch certificate.

Provided always, That this act ſhall not be conſtrued, to extend to any perſon or perſons practiſing phyſic and ſurgery within the ſaid city and county, previous to the paſſing of the ſame.

This act not to affect practitioners already in practice.

And provided always, That where any perſon not qualified by law, ſhall adminiſter medical aid, in any ſudden emergency, without demanding or receiving any thing for the ſaid ſervice, that in ſuch caſe the ſaid perſon ſhall not be liable to the penalty hereby inflicted.

Nor thoſe who adminiſter medicine on a ſudden emergency.

Provided alſo, That nothing herein contained, ſhall be conſtrued to prevent any phyſician or ſurgeon reſident in any neighbouring county or ſtate being called into conſultation, or practiſing on any particular occaſion when ſo called upon.

Nor a phyſician from a neighbouring ſtate or county who is called upon a conſultation.

And provided alſo, That nothing herein contained, ſhall be conſtrued to affect any perſon or perſons, who may have, or ſhall obtain a degree of Doctor of Medicine, in any college or univerſity of any of the United States, having authority to confer the ſame.

Nor any perſon who has obtained a degree as doctor of medicine.

And be it further enacted, In caſe of the mal-practice of any practitioner in phyſic or ſurgery, who has never legally obtained the aforeſaid teſtimonial: And in caſe of complaint made of the ſame, in a written memorial addreſſed to the Mayor or Recorder of the ſaid city, and ſigned by three reputable phyſicians, that then the ſaid Magiſtrate, to whom ſuch complaint ſhall be preferred, and after due inquiry, if he deem it expedient, notify the ſaid practitioner of the ſaid complaint; after which notification, he, the ſaid practitioner complained of, ſhall remain, with reſpect to his after practice, expoſed to all the penalties of this act; until he ſhall obtain a legal teſtimonial of his medical capacity, of the ſame kind, and in the ſame manner as is deſcribed in the firſt ſection of this act.

Any phyſician practiſing without ſuch certificate may be complained of for mal-practice, to the mayor or recorder, who in their diſcretion may notify him thereof.

After which if he practices he ſhall be ſubject to the penalties of this act.

CHAP. XXXVIII.

An ACT *for the relief of John Ten Broeck.*

Paſſed the 27th of March, 1792.

Preamble, reciting that John Ten Broeck has prayed for further time to ſettle his accounts as ſheriff of Albany.

WHEREAS John Ten Broeck, late Sheriff of the County of Albany, hath, by his petition to the Legiſlature, prayed for further time to preſent his accounts (while in the execution of his office) for ſettlement, and whereas it appears adviſable to grant relief in the premiſes.

Treaſurer directed to diſcontinue a certain ſuit commenced againſt him in purſuance of a certain act, provided he pays the amount of his account before a certain day.

Be it enacted *by the People of the State of New-York, repreſented in Senate and Aſſembly*, That the Treaſurer of this State, ſhall and may diſcontinue any ſuit or ſuits by him commenced againſt the ſaid John Ten Broeck, late Sheriff of the County of Albany purſuant to the thirty-ſecond ſection of the act entitled, "An Act to compel the payment of the arrears of taxes, for enforcing the payment of fines and amerciaments, obliging ſheriffs to give ſecurity for the due execution of their offices, and for other purpoſes," paſſed the twenty-ſixth day of November, in the year of our Lord one thouſand ſeven hundred and eighty-four, upon his exhibiting and filing on oath, according to the beſt of his knowledge and belief, ſuch account and liſt as is directed by the ſaid act, and paying the amount thereof liquidated by the Auditor, together with the coſts of ſuch ſuit or ſuits, to the ſaid Treaſurer on or before the firſt day of February next.

Court of exchequer to examine the account of the ſaid Ten Broeck.

And be it further enacted, That it ſhall and may be lawful for the court of exchequer, at any time before the end of January term next, to examine, audit, and ſettle the accounts of the ſaid John Ten Broeck, in the ſame manner as if he had preſented his accounts in due time.

CHAP. XXXIX.

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An ACT *for the Relief of Elnathan Fitch and Jonathan Fitch.*

Passed the 30th of March, 1792.

Preamble reciting that Elnathan Fitch hath obtained a patent for land which now appears to have been before appropriated.

WHEREAS Elnathan Fitch hath obtained a patent under the great seal of this State, dated the 11th day of July, 1790, for nine hundred and fifty acres of land, on the north bounds of the Great Hardenbergh patent, which lands were located by him, and by a certificate from the surveyor general now appear to interfere with prior appropriations: Therefore,

If said Fitch shall surrender said patent to the secretary, the surveyor general shall accept a new location from him.

Be it enacted *by the People of the State of New-York, represented in Senate and Assembly, and it is hereby enacted by the authority of the same*, That if the said Elnathan Fitch shall surrender the said patent, by delivering the same to the Secretary of the State, and by a deed duly executed by him, do convey to the people of this State, all his right, title, and interest, of, in, or to the said nine hundred and fifty acres of land, as described in the said patent, then, and at any time thereafter, it shall and may be lawful for the surveyor general to accept a location of the said Elnathan Fitch, for nine hundred and fifty acres of land, on any unappropriated lands on which he might have made a location before the first day of January last past, in pursuance of the act entitled, "An act for the sale and disposition of lands belonging to the people of this State, and for other purposes therein mentioned," he the said Elnathan Fitch first producing to the surveyor general a certificate from the secretary, that he had delivered the said patent to him, and conveyed the premises therein mentioned to the people of this State, by his deed duly executed, acknowledged, and recorded in his office.

And said Fitch may obtain a patent for such location.

And be it further enacted by the authority aforesaid, That it shall be lawful for the said Elnathan Fitch to obtain a patent for the said nine hundred and fifty acres of land, so to be located by him as aforesaid, any law to the contrary notwithstanding.

Reciting, that Jonathan Fitch has made a location upon land already granted.

And whereas Jonathan Fitch, by his memorial to the Legislature, hath represented, that he located eight hundred acres of land by virtue of class rights, pursuant to the law above mentioned, which land, so located, was granted to other persons: Therefore,

Surveyor General may accept a new location from him, and he obtain a patent for the same,

Be it further enacted *by the authority aforesaid*, That it shall and may be lawful for the surveyor general to accept a location of the said Jonathan Fitch for eight hundred acres of land, on any unappropriated lands on which he might have made a location prior to the first day of January last past, in pursuance of the law before mentioned. And it shall be lawful for the said Jonathan Fitch to obtain a patent for the said eight hundred acres of land, to be located by him as aforesaid; any law to the contrary notwithstanding.

CHAP. XL.

An ACT *for establishing and opening Lock Navigations within this State.*

Passed the 30th of March, 1792.

Preamble.

WHEREAS a communication by water, between the southern, northern and western parts of this State will encourage agriculture, promote commerce, and facilitate a general intercourse between the citizens: Therefore,

Two companies established for opening inland navigation, one for opening the western and one the northern inland navigation.

Name and stile of the western company.

Be it enacted *by the People of the State of New-York, represented in Senate and Assembly, and it is hereby enacted by the authority of the same*, That there shall be established two companies of Stock-holders; one for the purpose of opening a lock navigation from the now navigable part of Hudson's River, to be extended to Lake Ontario and to the Senaca Lake, and to be called and known by the name of "The President, Directors and Company of the Western inland lock navigation in the State of New-York," and one other company for the like purpose, from the now navigable part of Hudson's River to Lake Champlain and to be called and known by the name of "The President, Directors and Company of the Northern inland lock navigation in the State of New-York;" That the capital stock of the said Western Company shall consist of one thousand shares, and the capital stock of the said Northern Company shall consist of one thousand shares. And that subscriptions for shares in the said companies respectively, shall be taken in manner following, to wit: Samuel Jones, David Gelston, Comfort Sands, Melancton Smith and Nicholas Hoffman, or any three of them, shall be a board of Commissioners for taking subscriptions in the city of New-York; and Abraham Ten Broeck, John Taylor, Philip S. Van Rensselaer Cornelius Glen and John Ten Broeck, or any three of them, shall be a board of Commissioners for the like purpose in the city of Albany. And each board shall provide two books, one for the Western and one for the Northern navigation, and shall enter in each book as follows: We whose names are hereunto subscribed, do for ourselves and for our legal representatives promise to pay to the President Directors and Company of the inland lock navigation in the State of New-York, established and incorporated by the act entitled, "An Act for establishing and opening lock navigations within this State, such sums of money for each share (which we or our legal representatives shall from time to time hold in the said corporation) and in such proportions and at such time and times as the President and Directors aforesaid shall direct and require, in addition to the sums which shall have been retained in the hands of the Commissioners appointed by the said act." And the said boards of Commissioners respectively shall open the books for the taking in subscriptions for the purposes

Name and stile of the northern company.

Stock of said western company, to consist of 1000 shares, and the stock of the northern company the same. Subscriptions for said shares, how and by whom to be taken

Persons who are to receive subscriptions, to provide books, and enter therein, what is herein directed, for the subscribers to sign to.

Public notice to be given when said books are to be opened for subscriptions, and how long to be kept open.

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aforeſaid, on the firſt Tueſday of May next, and ſhall take the ſubſcriptions of every perſon who ſhall offer to become a ſubſcriber from day to day (Sunday excepted) until the laſt Tueſday of the ſaid month, and the commiſſioners firſt above named, ſhall at leaſt ten days previous to the firſt Tueſday of May, give notice of the day on which the ſubſcription books ſhall be opened, and of the day incluſive on which they will cloſe, in the newſpaper printed by the Printer to this State; and the other Commiſſioners ſhall give the like notice, in at leaſt one of the newſpapers printed in the city of Albany, and another at Lanſingburgh in the County of Renſſelaer. *Provided always*, That every ſubſcriber ſhall at the time of ſubſcribing, pay unto the ſaid Commiſſioners with whom he or ſhe ſhall ſubſcribe, the ſum of twenty-five dollars in gold or ſilver, bills of credit of this State, or notes iſſued by the Bank of the United States, or the Bank of New-York, for each ſhare by him or her ſubſcribed; and if any ſubſcriber ſhall at the time of ſubſcription pay for more ſhares than ſhall eventually be certified by the ſaid Commiſſioners, then and in every ſuch caſe, the Commiſſioners ſhall retain no more of the ſubſcription money in their hands, than will amount to the ſhares ſo certified, at the rate of twenty-five dollars for each ſhare, and return the overplus to the ſubſcriber entitled thereto: *And provided further*, That within the period above mentioned, no perſon or body politic or corporate ſhall ſubſcribe more than ten ſhares. And the Commiſſioners by this act appointed in the city of Albany, or any three of them, ſhall, on the day next after the laſt Tueſday of May, or as ſoon thereafter as may be, certify under their hands and ſeals, to the commiſſioners appointed in the city of New-York, a true liſt of the ſubſcribers in their book, with the true number of ſhares ſubſcribed by each, and if it ſhall appear to the Commiſſioners appointed in the city of New-York, or to any three of them, that one thouſand ſhares have not been ſubſcribed to each company, they ſhall by advertiſement, to be publiſhed in the newſpaper of the Printer to this State, give notice, that on a day certain, which day ſhall not be leſs than eight days from the firſt publication of ſuch notice, their books will again be opened, and that they will continue to receive ſubſcriptions from day to day for the ſpace of four days, or until one thouſand ſhares in the whole have been ſubſcribed, and on ſuch laſt ſubſcription any perſon or body politic or corporate may ſubſcribe any number of ſhares at pleaſure, not exceeding the deficiency, and if at the end of the ſaid four days one thouſand ſhares ſhall not be ſo ſubſcribed, then the books ſhall be cloſed, and it ſhall and may be lawful for each of the ſaid companies, after they ſhall have become incorporated in manner herein preſcribed, to take in ſubſcriptions for the deficient ſhares or not, as to the ſtockholders of each of the ſaid corporations ſhall ſeem proper: But if it ſhould appear to the ſaid Commiſſioners firſt herein mentioned, that on the ſaid laſt Tueſday of May, the aggregate of all the ſhares ſubſcribed exceed one thouſand, the exceſs ſhall be deducted from the reſpective ſubſcribers to each company in the manner following, to wit:

Each ſubſcriber to pay at the time of ſubſcription 25 dollars for each ſhare he ſhall ſubſcribe.

If any perſon ſubſcribe for more ſhares than he ſhall eventually receive the ſurplus money to be returned to him.

Number of Shares limited to each ſubſcriber, during the firſt period of ſubſcription.

If one thouſand ſhares are not ſubſcribed within the firſt period of ſubſcriptions, the books again to be opened, & any perſon may ſubſcribe what number of ſhares he thinks proper.

And if at the end of the ſecond period 1000 ſhares are not ſubſcribed, the books ſhall be cloſed, and the company after they become incorporated may receive ſubſcription for the deficient ſhares, or not.

But if on the firſt ſubſcriptions the ſhare ſubſcribed exceed 1000, then the exceſs to be deducted.

Mode for making ſaid deductions pointed out.

I. If the whole number of ſubſcribers amount to one thouſand, whatever may be the number of ſhares ſubſcribed, each ſubſcriber ſhall be entitled to one ſhare.

II. If the whole number of ſubſcribers exceed one thouſand, it ſhall be determined by lot, by the ſaid commiſſioners, which of the ſubſcribers ſhall be entitled to a ſhare, and which not.

III. If the number of ſubſcribers are leſs than one thouſand, and the number of ſhares by them ſubſcribed exceed one thouſand, then thoſe who have only ſubſcribed one ſhare ſhall be entitled to ſuch ſhare, and the remaining ſubſcribers ſhall be claſſed into nine claſſes, one claſs to conſiſt of all thoſe who have ſubſcribed two ſhares; one claſs of thoſe who have ſubſcribed three ſhares; one claſs of thoſe who have ſubſcribed four ſhares; one claſs of thoſe who have ſubſcribed five ſhares; one claſs of thoſe who have ſubſcribed ſix ſhares; one claſs of thoſe who have ſubſcribed ſeven ſhares; one claſs of thoſe who have ſubſcribed eight ſhares; one claſs of thoſe who have ſubſcribed nine ſhares; and one claſs of thoſe who have ſubſcribed ten ſhares; after which, the ſhares to be deducted from each claſs ſhall be determined by the following rule, to wit. As the aggregate of all the ſhares ſubſcribed by the nine claſſes is to the exceſs above one thouſand, ſo is the aggregate of the ſhares ſubſcribed by any claſs, to the ſhares to be deducted from that claſs: the aggregate deduction to be made from each claſs being thus determined, if ſuch aggregate is leſs than one ſhare for each ſubſcriber, it ſhall be determined by lot, which of the ſubſcribers ſhall hold two ſhares; if ſuch aggregate is more than one ſhare to each ſubſcriber, it ſhall be determined by lot, which of the ſubſcribers ſhall hold one ſhare; and the like rule ſhall be applied to the deduction in each of the other eight claſſes. And the ſaid commiſſioners, appointed in the city of New-York, ſhall then make out full and perfect liſts of all the ſubſcribers to the ſtock of each company reſpectively, with the number of ſhares to which each ſubſcriber is entitled, and having acknowledged the ſame before the chancellor, or one of the judges of the ſupreme court, they ſhall deliver the ſame to the perſon adminiſtering the government of this State for the time being, and if it ſhall appear to him that five hundred ſhares are ſubſcribed to the company, to be known by the name of "The Preſident, Directors, and Company of the Weſtern Inland Lock Navigation in the State of New-York," he ſhall direct the liſt to be filed, and entered of record, in the ſecretary's office of this State; and if it ſhall appear to him that five hundred ſhares are ſubſcribed to the company, to be known by the name of "The Preſident, Directors, and Company of the Northern Inland Lock Navigation in the State of New-York," he ſhall give like directions to the ſaid ſecretary, relative to the liſt thereof.

After which the commiſſioners ſhall make out a liſt of the ſubſcribers with their number of ſhares, and deliver it to the governor.

And if it appears to him that 500 ſhares are ſubſcribed to each company, he ſhall direct the ſame to be filed & recorded in the ſecretary's office.

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And be it further enacted by the authority aforesaid, That immediately from and after the filing and recording in manner aforesaid, the list of subscribers to the Western Company, the persons therein named as subscribers, whilst they continue Stock-holders therein, and all others who shall become Stock-holders therein, shall be, and are hereby created and made a Corporation and Body Politic in fact and in name, by the name and stile of "The President, Directors and Company of the Western Inland Lock Navigation in the State of New-York," and that by that name, they and their successors for ever, shall and may have perpetual succession: And that immediately from and after the filing and recording in manner aforesaid the list of subscribers to the northern company, the persons therein named as subscribers, whilst they shall continue stockholders therein, and all others who shall become stockholders therein, shall be, and are hereby created and made a corporation and body politic, in fact and in name, by the name and stile of "The President, Directors, and Company of the Northern Inland Lock Navigation in the State of New-York," and that by that name they and their successors for ever shall and may have perpetual succession, and by those names shall be, and hereby are respectively made persons able and capable in law, to have, purchase, receive, possess, enjoy, and retain to them and to their respective successors, lands, rents, tenements, hereditaments, goods, chattels, and effects of what kind, nature, or quality soever, to the amount of three hundred thousand dollars each, and the increase and profits thereof, and of enlarging the same, from time to time, by additional payments of the stockholders in such companies respectively, and in such manner and form as they shall think proper, if such additional payments shall be found necessary to fulfil the end and intent of the incorporations hereby created and made, and herein after particularly specified and directed, and to no other use, intent and purpose whatsoever; and the same estate or estates, or any part thereof, to sell, grant, demise, alien or dispose of; to sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended, in courts of record, or any other place whatsoever; and also to make, have, and use a common seal, and the same to break, alter, or renew at their pleasure; and also to ordain, establish, and put in execution, such bye laws, ordinances, and regulations, as shall seem necessary and convenient for the government of the said corporations respectively, not being contrary to the law of this State, or to the constitution thereof; and generally to do and execute all and singular acts, matters, and things which to them it shall or may appertain to do; subject, nevertheless, to the rules, regulations, restrictions, limitations, and provisions herein prescribed and declared.

Immediately after the filing and recording of such lists, the companies declared to be incorporated, with perpetual succession, &c. and to hold any kind of property to the amount of 300,000 dollars each.

May sue and be sued, have a common seal, &c.

And be it further enacted by the authority aforesaid, That for the well ordering of the affairs of the said corporations respectively, there shall be thirteen directors for each corporation, of whom there shall be an election, after the present year, on the first Monday of May in every year, by the stockholders and proprietors of the capital stock of each of the said corporations, and by a plurality of votes actually given by such stockholders in person, or by their legal proxies, and those who shall be duly chosen at any election, shall be capable of serving as directors, by virtue of such choice, until the end or expiration of the first Monday of May next ensuing the time of such election, and until others are duly elected in their places; and the said directors, at their first meeting after each election, shall choose one of their number as President. *Provided always*, that out of the following persons in this proviso named, thirteen, and in the order in which they are named, if so many of them shall appear to be stockholders from the record of the certificate herein before mentioned, shall be, and hereby are appointed the first directors of the corporation, by virtue of this act, to be instituted by the name of "The President, Directors, and Company of the Western Inland Lock Navigation in the State of New-York," that is to say, Philip Schuyler, Leonard Gansevoort, Jeremiah Van Rensselaer, Elkanah Watson, John Taylor, Jellis A. Fonda, William North, Goldsbrow Banyar, Daniel Hale, John Watts, Walter Livingston, Dominic Lynch, James Watson, Mathew Clarkson, Ezra L'Hommedieu, Melancton Smith, David Gelston, Stephen Lush, Cornelius Glen, Silas Talbot, John Frey, Douw Fonda, John Sanders, Nicholas I. Roosovelt, Daniel M'Cormick, Marinus Willet, Jonathan Lawrance, Philip Van Cortlandt, and James Clinton; and that, out of the following persons in this proviso named, thirteen, and in the order in which they are named, if so many of them shall appear to be stockholders, from the record of the certificate herein before mentioned, shall be, and hereby are appointed the first directors of the corporation, by virtue of this act, to be instituted by the name of "The President, Directors, and Company of the Northern Inland Lock Navigation in the State of New-York," that is to say, Philip Schuyler, Abraham Ten Broeck, John Williams, Stephen Van Rensselaer, Jacobus Van Schoonhoven, John Van Rensselaer, Abraham G. Lansing, Cornelius Glen, Henry Quackenbos, Robert R. Livingston, Philip Livingston, James Duane, Alexander M'Comb, Samuel Jones, Nicholas Low, Dirck Lefferts, William Duer, Peter Van Ness, Barent Bleecker, Henry Livingston, Peter Gansevoort, Peter B. Tearse, Alexander Webster, George Wray, Thomas Tillotson, Mathew Scott, Zephaniah Platt, John Thurman, Albert Pawling, and Zina Hitchcock: And if there shall not be thirteen stockholders amongst the persons whose names are mentioned, and out of which directors are to be taken in manner aforesaid, for each of the said corporations respectively, then the deficiency in each shall be chosen in manner following, that is to say: the said commissioners first in this act above mentioned, or any three of them, shall, immediately after the filing and recording the certificate herein before mentioned, appoint a

Thirteen directors to be annually chosen for the government of each corporation. The time and manner of their election.

Proviso, first directors named.

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time when, and a place where, an election ſhall be held for electing directors for each company, and ſhall give at leaſt twenty days notice of ſuch time and place, by publiſhing in the newſpaper printed in the city of New-York by the Printer to the State, and in at leaſt one of the newſpapers printed in the city of Albany, or at Lanſingburgh, at which time and place directors ſhall be choſen in manner above deſcribed, and at which election the ſaid commiſſioners in the city of New-York, or any three of them, ſhall preſide; and a liſt of the directors of each corporation, ſo choſen, ſhall be by them, the ſaid commiſſioners, publiſhed in the newſpapers in manner aforeſaid, and ſhall, by the ſaid commiſſioners, be requeſted to meet on a day, and at a place certain, to be therein mentioned; and being ſo met, they ſhall chooſe one of their body to be the preſident; and the directors and preſident ſo cholen ſhall continue in office until the end of the firſt Monday in May next enſuing ſuch election, and until others are duly elected in their places. *Provided always*, That in caſe it ſhould at any time happen that an election of directors ſhould not be made upon any day when, purſuant to this act, it ought to have been made, neither of the ſaid corporations ſhall for that cauſe be deemed to be diſſolved, but it ſhall be lawful, on any other day, to hold and make an election of directors, in ſuch manner as ſhall have been regulated by the laws and ordinances of the ſaid corporations reſpectively. *And provided alſo*, That in caſe of the death, reſignation, abſence from the State, or removal of a director by the ſtockholders, his place may be filled up by a new choice for the remainder of the year, by election at a ſpecial meeting to be held for that purpoſe.

Liſt of the directors to be publiſhed in the newſpapers by the commiſſioners, who ſhall requeſt the directors to meet on a day nd place, certain, to elect a preſident.

Proviſo, charter not to be forfeited for want of an election on the proper day.

Vacancy of directors how to be filled up.

And be it further enacted by the authority aforeſaid, That it ſhall and may be lawful for the Preſidents and Directors of the ſaid incorporations reſpectively to convene ſpecial meetings of the Stock-holders, whenever ſuch meetings ſhall appear neceſſary, giving at leaſt fifteen days notice thereof in the newſpapers in manner herein before directed.

Preſident and directors empowered at any time to convene ſpecial meetings of the ſtockholders.

And be it further enacted by the authority aforeſaid, That the Directors for the time being of each of the ſaid Corporations reſpectively, ſhall have power to appoint ſuch officers, agents, clerks, ſuperintendants, engineers, workmen, and others under them as ſhall be neceſſary for executing the buſineſs of the ſaid corporation, and to allow to them ſuch compenſation for their ſervices reſpectively as the ſaid directors ſhall deem reaſonable and proper, and ſhall be capable of exerciſing ſuch other powers and authorities for the well governing and ordering of the affairs of the ſaid corporation, as ſhall be deſcribed, fixed and determined by the laws, regulations and ordinances of the ſame, not contrary to, or inconſiſtent with the conſtitution and laws of this State.

Directors of ſuch corporation may appoint their officers, agents, workmen, &c. as fixed on by their laws and ordinances.

And be it further enacted by the authority aforeſaid, That the following rules, reſtrictions, limitations and proviſions, ſhall form and be fundamental articles of each of the ſaid corporations, viz. *Firſt*, the number of votes to which each Stock-holder ſhall be entitled, ſhall be according to the number of ſhares he ſhall hold in the proportions following, that is to ſay, for one ſhare, and not more than two ſhares, one vote; for every two ſhares above two and not exceeding ten, one vote; for every four ſhares above ten and not exceeding thirty, one vote; for every ſix ſhares above thirty and not exceeding ſixty, one vote; for every eight ſhares above ſixty and not exceeding one hundred, one vote; and for every ten ſhares above one hundred, one vote; but no perſon, co-partnerſhip or body politic ſhall be entitled to a greater number than thirty votes, and after the firſt election, no ſhare or ſhares ſhall confer a right of ſuffrage, which ſhall not have been holden three calender months previous to the day of election, ſtockholders actually reſident in this or any of the United States and none other may be directors. *Second*, not more than three fourths of the directors in office, excluſive of the preſident, ſhall be eligible for the next ſucceeding year; but the director who ſhall be preſident at the time of an election may always be re-elected. *Third*, no director ſhall be entitled to any emolument unleſs the ſame ſhall have been, or ſhall be allowed by the ſtockholders at a general meeting, the ſtockholders ſhall make ſuch compenſation to the preſident for any extraordinary attendance as ſhall appear to them reaſonable. *Fourth*, not leſs than ſeven directors ſhall conſtitute a board for the tranſaction of buſineſs, of whom the preſident ſhall always be one, except in caſe of ſickneſs or neceſſary abſence, in which caſe his place may be ſupplied by any other director whom he by writing under his hand ſhall nominate for the purpoſe. *Fifth*, any number of ſtockholders not leſs than ſixty, who together ſhall be proprietors of two hundred ſhares or upwards, ſhall have power at any time to call a general meeting of the ſtockholders for purpoſes relative to the inſtitution, giving at leaſt twelve weeks notice in at leaſt one newſpaper printed in the city of New-York, and in at leaſt one newſpaper printed in the city of Albany, and in the town of Troy, in Renſſelaer County, and ſpecifying in ſuch notices the object or objects of ſuch meeting. *Sixth*, every treaſurer, before he enters upon the duties of his office, ſhall give bond with two or more ſureties to the ſatisfaction of the directors, and in ſuch ſum as the directors ſhall think proper. *Seventh*, the lands, tenements and hereditaments which it ſhall be lawful for the ſaid corporations reſpectively to hold, ſhall be only ſuch as ſhall be requiſite for the immediate purpoſe for which thoſe corporations have been created and made and ſuch other as ſhall have been *bona fide* mortgaged to it by way of ſecurity, or conveyed to it in ſatisfaction of debts previouſly contracted, in the courſe of its dealings, or purchaſed at ſales upon judgments which ſhall have been obtained for ſuch debts. *Eighth*, no bank ſhall be eſtabliſhed by either of the ſaid corporations, nor ſhall either of them enter into any money negociations other than ſuch as ſhall be immediately incident to the purpoſes for which the ſaid corporations have been inſtituted, nor ſhall either of the ſaid corporations,

Fundamental rules and regulations of each corporation.

be ſtockholders in any bank whatſoever, nor ſhall they or either of them deal in or hold any ſtock of funded or other debt of the United States or of this ſtate or any other ſtate whatſoever. *Ninth*, the ſtock of the ſaid corporations reſpectively ſhall be aſſignable and transferable according to ſuch rules as ſhall be inſtituted in that behalf by the laws and ordinances of the ſame. *tenth*, all bills or notes which may be given by either of the ſaid corporations or their directors, ſigned by the preſident and counterſigned by the treaſurer or principal clerk, promiſing the payment of money to any perſon or perſons, his, her or their order, or to bearer, though not under the ſeal of the corporation iſſuing the ſame, ſhall be binding and obligatory upon the ſame, in like manner and with the like force and effect, as upon any private perſon or perſons, if iſſued by him, her or them, in his her or their private or natural capacity or capacities, and ſhall be aſſignable and negotiable in like manner, as if they were ſo iſſued by ſuch private perſon or perſons, that is to ſay; thoſe which ſhall be payable to any perſon or perſons, his, her or their order, ſhall be aſſignable by indorſement, in like manner and with the like effect as promiſſory notes now are, and thoſe which are payable to bearer, ſhall be negotiable and aſſignable by delivery only. *Provided always*, That no ſuch bills or notes ſhall be iſſued, which ſhall not ſpecify the particular ſervice or article for which they were paid. *And provided alſo*, That the article or ſervices for which they are iſſued, were articles uſed, or to be uſed for the purpoſes of the inſtitution, or ſervices performed therefor. *Eleventh*, half yearly dividends ſhall be made by each of the ſaid corporations, of all the neat annual income thereof amongſt the ſtockholders in proportion to their reſpective ſhares, and no transfer of any ſhare ſhall be made in any other manner than ſhall be directed by the preſident and directors of ſuch company reſpectively.

Corporations by themſelves or agents may enter upon any land where they deem it neceſſary to make their canals doing as little damage to individuals as poſſible.

And be it further enacted by the authority aforeſaid, That each of the ſaid corporations, by the preſident and directors, or by any agent, ſuperintendant, engineer or other perſon employed in the ſervice of ſuch corporation, may enter into, and upon all and ſingular the land and lands covered with water where they ſhall deem it proper to carry the canals and navigation herein before particularly aſſigned to each of the ſaid corporations, and to lay out and ſurvey ſuch routs and tracts as ſhall be moſt practicable for effecting navigable canals as aforeſaid, by means of locks and other devices, doing nevertheleſs as little damage as poſſible to the grounds and incloſures in and over which they ſhall paſs, and thereupon it ſhall and may be lawful, to and for the ſaid preſidents and directors reſpectively, to contract and agree with the owners of any lands and tenements for the purchaſe of ſo much thereof as ſhall be neceſſary for the purpoſe of making, diging and perfecting the ſaid canals, and for erecting and eſtabliſhing all the neceſſary locks works and devices to ſuch navigation belonging, if they can agree with ſuch owners; but in caſe of diſagreement, or in caſe the owner thereof, ſhall be *feme covert*, under age, *non compos mentis*, or out of the State, then it ſhall and may be lawful, to and for the ſaid preſident and directors to apply to the chancellor of this State, who upon ſuch application is hereby authorized and empowered, enjoined and required, to frame and iſſue one or more writ or writs as occaſion ſhall require, in the nature of a writ of *ad quod damnum* to be directed to the Sheriff of the county in which ſuch lands and tenements ſhall be, commanding him that by the oaths of twelve good and lawful men of his bailiwick, who ſhall be indifferent to the parties, he ſhall enquire, whether the perſon or perſons owning any lands and tenements neceſſary to be uſed by the ſaid preſident and directors, or which ſhall be injured in eſtabliſhing the ſaid canals and navigation, which perſon or perſons ſhall be named, and which lands and tenements ſhall be deſcribed in ſuch writ or writs, which will ſuffer and ſuſtain any, and what damages, by reaſon or means of taking any lands, tenements, mill, mill pond, water, water-courſe or other real hereditaments neceſſary for the uſe of the ſaid canals and navigation, and the works and locks thereto belonging, and to return the ſame writ together with the finding of the ſaid jury, to the court of chancery of this State without delay after ſuch finding; and upon ſuch writ being delivered to the ſaid Sheriff, he ſhall give at leaſt fourteen days notice in writing to all and every of the owners and occupants of the premiſes who ſhall be within his bailiwick, and ſhall alſo affix a copy of ſuch notice on the door of the court houſe or gaol within his bailiwick, and if there is no court houſe or gaol, then on the door of ſome noted tavern within the ſame, of the lands and tenements in the ſaid writ deſcribed, of the time of executing the ſame, and ſhall cauſe to come upon the premiſes at the time appointed, twelve good and lawful men of his bailiwick, who ſhall be ſelected in ſuch manner as ſtruck juries uſually are, to whom he ſhall adminiſter an oath, that they will diligently enquire concerning the matters and things in the ſaid writ ſpecified, and a true verdict give according to the beſt of their ſkill and judgment, without favor or partiality, and thereupon the ſaid ſheriff and inqueſt ſhall proceed to view all and every the lands and tenements in ſuch writ ſpecified, and having conſidered the quantity of land, land covered with water, mills, buildings or other improvements that ſhall be neceſſary to be veſted in the ſaid corporations for the purpoſes aforeſaid, and any water courſe then exiſting, the uſe whereof will be neceſſary for the purpoſe aforeſaid, they ſhall cauſe the ſame to be minutely and exactly deſcribed by metes and bounds, or other particular deſcriptions, and ſhall value and appraiſe the injury or damages if any, which the owner or owners of the ſaid lands, tenements, mills, water, water-courſes, buildings or improvements, will according to their beſt ſkill and judgment, ſuſtain and ſuffer by means of ſo much of the ſaid lands and tenements being veſted in the ſaid corporations, or by means of ſuch improvements being deſtroyed, or rendered uſeleſs or of leſs value, or by means of the ſaid corporations being permitted to turn ſuch water to fill their canals and locks, or by means of the ſaid corporations being permitted to enlarge any mill pond, mill race or other water courſe, and to uſe the ſame, as, and for part of their ſaid cannals and navigation, or by any other means whatſoever, defining and aſcertaining as well all ſuch lands and tenements, liberties and privileges ſo to be veſted in either of the ſaid corporations, as the ſeveral ſums at which the ſaid injuries and damages ſhall be ſo aſſeſſed; and the ſaid Sheriff and jury ſhall make an inquiſition, under their hands and ſeals,

And may agree with the owners for the purchaſe thereof.

If they cannot agree with the owners for the purchaſe thereof, a mode pointed out for appraiſing the ſame.

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distinctly and plainly setting forth, all the matters and things aforesaid, and the Sheriff shall forthwith return the same, together with the said writ to the said court of chancery, and thereupon the chancellor shall examine the same, and if the said writ shall appear to have been duly executed, and the return thereof be sufficiently certain, to ascertain the lands and tenements, rights, liberties and privileges intended to be vested in the said corporations, and the several compensations awarded to the owners thereof, then the said court shall enter judgment that the said corporation paying to the several owners as aforesaid, the several sums of money in the said inquisition assessed, or bringing the same into the said court, over and besides the costs of such writs and of executing and returning the same, shall be entitled to have and to hold to them, and their successors and assigns forever, all and every the lands, tenements, rights, liberties and privileges in the said inquisition described, as fully and effectually as if the same had been granted to them by the respective owners thereof. And if any of the returns so to be made, shall not be sufficiently certain for the purposes aforesaid, the said court shall award an inquisition *de novo*..

Where a canal shall cross a public road or divide the ground of an individual, corporation to build a bridge, or make a ford & keep the same in repair.

And be it further enacted by the authority aforesaid, That whenever any or either of the said canals shall cross any public or private road or highway, laid out and established according to law, or shall divide the grounds of any person, so as to require a ford or bridge to cross the same, the jury who shall enquire of the damages to be sustained in manner herein directed shall find and ascertain whether a passage across the same shall be admitted and maintained by a ford or by a bridge, and on such finding, the president and directors of the corporation to whom such canal shall belong, shall cause a ford to be rendered passable, or a bridge, fit for the passage of carts and waggons, to be built, and forever thereafter maintained and kept in repair, at all and every of the places so ascertained by the said jury, at the cost and charges of such corporation; but nothing herein contained shall prevent any person from erecting and keeping in repair any ford or bridge across either of the said canals, at his own expence, where the same shall pass his ground. *Provided* such bridge shall be of such height above the water as shall be usual in the bridges erected by the corporations to whom such canals belong: *And provided also*, that such ford or bridges, so to be erected by the owners of such land, shall not interfere with any of the locks, buildings, or other works of the said corporation.

Proviso.

President and directors authorised to fix the sums each subscriber shall pay for every share, ascertain the dividends, the time and place when and where the same shall be paid &c. and shall give public notice thereof.

And be it further enacted by the authority aforesaid, That the president and directors of each of the said corporations shall have power and authority, from time to time, to fix the several sums of money which shall be paid by the subscribers, or holders of every share of the stock of the said corporations respectively, in part of the sum subscribed, and the time when each and every of the devidends, or parts thereof, shall be paid, and the place where they shall be received; and shall give at least thirty days notice, in two of the public newspapers, one of which notices to be published in the city of New-York, in the newspaper printed by the Printer to this State, and the other in the city of Albany, of the sum or devidend, and the time and place of receiving the same; and if any stockholder shall neglect to pay such proportions, at the place or places aforesaid, for the space of thirty days after the time so appointed for paying the same, every such stockholder shall, in addition to the devidend so called for, pay after the rate of seven per cent. for every month's delay of such payment; and if the same, and the additional per centage, shall not be paid within one year after the same ought to have been paid, then, and in such case, the share or shares on which such payment shall be due, shall be forfeited to the use of the stockholders of the corporation of which such defaulting stockholder is a member, and may and shall be sold by the said corporation to any person or persons willing to purchase, for such prices as can be obtained therefor.

If a stockholder shall neglect to pay such sum so fixed, then his share to be forfeited and sold.

Directors, with their workmen and carriages may enter on any lands near the canals, they making good any damages to individuals.

And be it further enacted by the authority aforesaid, That it shall and may be lawful, to and for the president and directors of each of the said corporations respectively, and their superintendants, engineers, artists, workmen, and labourers, with carts, waggons, and other carriages, with their beasts of draft and burden, and all necessary tools and implements, to enter upon the lands contiguous or near to the tracts of the intended canals and navigation, first giving notice of their intentions to the owners thereof, and doing as little damage thereto as possible, and repairing any breaches they may make in the inclosures thereof, and making amends for any damages that may be sustained by the owners of such ground, by appraisement, in manner herein after directed, and upon a reasonable agreement with the owners, if they can agree; or, if they cannot agree, then upon an appraisement to be made upon the oath of three; or, if they disagree, any two indifferent freeholders to be mutually chosen; or, if the owners neglect or refuse to join in the choice, to be appointed by any justice of the peace of the county, and on tender of the appraised value, to carry away any timber, stone, gravel, sand, or earth there being most conveniently situate for making or repairing the said canals and navigation, and to use the same in carrying on the said works.

President and directors to appoint toll collectors and to ascertain the toll.

And be it further enacted by the authority aforesaid, That it shall and may be lawful to and for the said president and directors of each of the said corporations, as soon as the said canals and navigation, or any part of either of them, shall be perfected, to appoint such and so many collectors of toll for the passage of boats and vessels in, through, and along the same, and in such places as they shall think proper; and that it shall and may be lawful to and for such toll collectors and their deputies to demand and receive of and from the persons having the charge of all boats and vessels and rafts of timber, boards, plank, or scantling passing through the said canals and navigation, and the locks thereto belonging,

such toll and rates for every ton weight of the aſcertained burthen of the ſaid boats and veſſels, and for every hundred feet cubic meaſure of timber, and one thouſand feet board meaſure of boards, plank, or ſcantling in rafts, as the ſaid preſident and directors of each corporation ſhall think proper, at any lock or other convenient place. *Provided* that the amount of all the tolls accruing to the corporations hereby made and created by the name of "The Preſident, Directors, and Company of the Weſtern Inland Lock Navigation in the State of New-York," and ariſing from the uſe of the ſaid navigation, wherever the ſame may be between the navigable waters of Hudſon's river and the Seneca lake and lake Ontario, ſhall not exceed in the whole the ſum of twenty five dollars for every ton of the burthen of ſuch boat or veſſel, and ſo in proportion for every hundred feet cubic meaſure of timber, and one thouſand feet board meaſure of boards, plank, or ſcantling; and ſo in proportion for any ſmaller diſtance and leſs number of locks in any interval between the ſaid river and lake.

Proviſo, toll of the weſtern company not to exceed a certain amount

And alſo provided that the amount of all the tolls accruing to the corporation hereby made and created by the name of "The Preſident, Directors, and Company of the Northern Inland Lock Navigation in the State of New-York," and ariſing from the uſe of the ſaid navigation wherever the ſame may be between the navigable waters of Hudſon's river and lake Champlain, ſhall not exceed in the whole the ſum of twenty dollars for every ton of the burthen of ſuch boat or veſſel; and ſo in proportion for every hundred feet cubic meaſure of timber, and one thouſand feet board meaſure of boards, plank, or ſcantling; and ſo in proportion for any ſmaller diſtance and leſs number of locks in any interval between the town of troy, near the ſaid river, and the ſaid lake.

Further proviſo, tolls of the northern company not to exceed a certain amount.

Provided always, That all boats of a burthen leſs than a ton, and uſing either of the ſaid canals ſhall pay the toll for a ton. An in order to aſcertain the tonnage of boats uſing the ſaid canals and navigation, and to prevent diſputes between the ſupercargoes and the collectors of tolls concerning the ſame.

Be it further enacted by the authority aforeſaid, That upon the requeſt of the owner or ſupercargo of ſuch boat or raft, or of the collector of the ſaid tolls at any lock upon either of the ſaid canals and navigation, it ſhall and may be lawful for each of them to chooſe one perſon to meaſure and aſcertain the number of tons which the ſaid boat or veſſel is capable of carrying, and to mark the ſame in figures upon the head and ſtern of the ſaid boat, in colours mixed with oil, and that the ſaid boat or veſſel ſo meaſured and marked, ſhall always be permitted to paſs through the ſaid canal and locks for which it ſhall be ſo marked, for the price per ton to which the number of tons ſo marked on her ſhall amount unto, agreeably to the rates fixed in the manner aforeſaid, and if the owner or commander or ſupercargo of ſuch boat or veſſel ſhall decline chooſing a perſon, reſident within four miles of the place where ſuch toll is payable to aſcertain the tonnage thereof then the amount of ſuch tonnage ſhall be fixed and aſcertained by a perſon to be appointed for that purpoſe by the collector of tolls at the lock where the toll is payable as aforeſaid, and the ſaid toll ſhall be paid according to ſuch meaſurement before any ſuch boat or veſſel ſhall be permitted to paſs the lock or place where ſuch toll ſhall be made payable.

Boats uſing ſaid canals how to have their tonnage aſcertained, and marked on them.

And when ſo marked to paſs and repaſs by ſuch marks, upon paying the toll.

And be it further enacted by the authority aforeſaid, That if any perſon or perſons whatſoever ſhall wilfully and knowingly do any act or thing whatſoever, whereby the ſaid navigation, or any lock, gate, engine, machine or device thereto belong, ſhall be injured or damaged, he or they ſo offending, ſhall forfeit and pay to the corporation (to which the injury is done) fourfold the coſts and damages by them ſuſtained by means of ſuch known and wilful act, together with coſts of ſuits in that behalf expended, to be recovered by action of debt in any court having juriſdiction competent to the ſum due.

Any perſon wilfully damaging ſaid locks or navigation to pay the corporations fourfold damages.

And be it further enacted by the authority aforeſaid, That the collectors of toll duly appointed and authoriſed by the Preſident and directors of either of the ſaid corporations may ſtop and detain all boats and veſſels uſing the canals and navigation to which they reſpectively belong until the owner or commander, or ſupercargo of the ſame ſhall pay the toll ſo as aforeſaid fixed, or may diſtrain part of the cargo therein contained, ſufficient, by the appraiſment of two credible perſons to ſatisfy the ſame, which diſtreſs ſhall be kept by the collector of the tolls taking the ſame, for the ſpace of eight days, and afterwards be ſold by public vendue at the moſt public place in the neighbourhood, to the higheſt bidder, in the ſame manner and form as goods diſtrained for rent are by law ſold, rendering the ſurplus on demand, if any there be, after payment of the ſaid toll, and the coſts of diſtreſs and ſale, to the owner or owners thereof.

Toll collectors duly appointed may ſtop all boats till the toll is paid, or may diſtrain and ſell part of the cargo.

And be it further enacted by the authority aforeſaid, That the preſident and directors of the ſaid corporations reſpectively may demand and require of and from their treaſurers, and of and from all and every of the ſuperintendants, officers and other perſons by them employed, bonds in ſufficient penalties and with ſuch ſureties as they ſhall by their rules, orders and regulations require for the faithful diſcharge of the ſeveral duties and truſts to them, or any or either of them reſpectively committed.

Preſident and directors may take bonds from the perſons employed by them for the faithful diſcharge of their duties.

And be it further enacted by the authority aforeſaid, That the preſident and directors of each of the ſaid corporations ſhall keep juſt and fair accounts of all monies received by them from the ſubſcribers to the ſaid undertaking for their ſubſcription thereto, and all penalties for delay or non-payment thereof, and of all monies by them expended, in the payment of the coſts and charges of procuring and purchaſing all eſtates, rights and titles in the ſaid corporations reſpectively to be veſted in purſuance of this act or by any other means,

Preſident and directors to keep a juſt and true account of all monies paid them by ſubſcribers, and of all monies expended by them in coſts and charges of procuring eſtates paying their officers and purchaſing materials, &c.

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and in paying their ſeveral officers by them to be appointed, and the wages of the different engineers, artiſts, workmen, and labourers by them to be employed, and for the materials and work furniſhed and done in the proſecution of the works projected by the ſaid corporations reſpectively, and each of them ſhall once at leaſt every year ſubmit ſuch account to the general meeting of the ſtockholders, until the ſaid canals and rivers therewith connected ſhall be rendered navigable, and until all the coſts, charges and expences of effecting the ſame ſhall be fully paid and diſcharged, and the aggregate amount of ſuch expences ſhall be liquidated, and from and after the liquidation thereof, if the one thouſand ſhares above mentioned for each or either of the ſaid corporations ſhall not be ſufficient, it ſhall and may be lawful to and for the ſaid preſident and directors of the ſaid corporations reſpectively, at the general meeting of the ſtockholders, held in purſuance of the preceding proviſions, or called by the preſident and drectors for the ſpecial purpoſe, by public notice in two newſpapers in manner aforeſaid (which ſhall be given three months previous to the opening of the ſaid ſubſcriptions) to encreaſe the number of ſhares to ſuch extent as ſhall be deemed ſufficient to accompliſh the objects of this act, and to demand and receive ſuch additional ſubſcriptions from the former, or, in caſe of their neglect or refuſal, from new ſubſcribers, and upon ſuch terms, and in ſuch manner, as by the ſaid general meeting, or meetings, ſhall be agreed upon; and the ſaid preſident and directors of the ſaid corporations reſpectively, ſhall alſo keep juſt and true accounts of all and every the monies received by their ſeveral and reſpective collectors of toll in and through the ſaid canals and navigation, and ſhall make and declare a dividend of the clear profits and income (all contingent coſts and charges being firſt deducted) among all the ſtockholders of the ſtock of the ſaid ſeveral corporations, and ſhall, on every the ſecond Mondays in June and December, in every year, publiſh, in manner aforeſaid, the half yearly devidend to be made of the ſaid clear profits to and amongſt their ſtockholders reſpectively, and of the times and places when and where the ſame ſhall paid, and ſhall cauſe the ſame to be paid accordingly.

And yearly render ſuch account to the ſtockholders at a general meeting, until the whole is completed.

When if one thouſand ſhares are found to be inſufficien', the preſident and directors may encreaſe them to ſuch amount and in ſuch a manner as they may think proper.

Preſident and directors to keep regular accounts of all tolls received, and to publiſh, declare, and make half yearly dividends thereof.

And be it further enacted by the authority aforeſaid, That at the end of ten years after the ſaid navigations reſpectively ſhall be compleated, the corporations reſpectively ſhall render an abſtract of the accounts to the legiſlature for the three laſt years of the ſaid ten; and if it ſhall then appear that the clear profits and income will bear a dividend of any rate on the principal ſum expended, exceeding ten and not exceeding twenty-five per cent. each of the ſaid companies ſhall continue the tolls on which ſuch devidend has ariſen for ſuch a term of years as to produce to them reſpectively an intereſt at the rate of ten per centum per annum on the principal ſum of their expenditures, ſuch intereſt being computed on the ſeveral payments of the principal from the time and times they were reſpectively made, until it ſhall be produced as above ſaid, after which the tolls ſhall be ſo reduced as to divide a clear profit not exceeding fifteen per cent. and if ſuch devidend ſhall exceed fifteen per cent. the exceſs ſhall be paid into the treaſury of this State, and from and after the time and times when the ſaid companies reſpectively ſhall render an abſtract of the accounts as aforeſaid, they ſhall once at leaſt in every three years, render to the legiſlature an account of the tolls they may have collected, and the ſums expended during the years next preceding, ſo that the clear profits of the companies reſpectively may in any year be known to the legiſlature.

At the end of ten years after the ſaid navigation is completed, an abſtract account to be laid before the legiſlature, in order that if the profits exceed a certain rate, the toll may be reduced, and the ſurplus above a certain rate be paid into the treaſury.

And whereas any unneceſſary delay in proſecuting the object for which the ſaid corporations have been made and created will be detrimental to the community: Therefore,

Recital to the following clauſe.

Be it further enacted by the authority aforeſaid, That if the corporation hereby made and created by the name of The Preſident, Directors, and Company of the Weſtern Inland Lock Navigation, in the State of New-York, ſhall not within the term of five years, to be computed from the firſt day of January next, compleat ſo much of the ſaid navigation as is between the ſouth bounds of the town of Schenectady, and the waters of Wood Creek, in ſuch manner as that boats drawing, when loaded, two feet of water, and of the length of forty feet, and of the breadth of twenty feet, may aſcend and deſcend the Mohawk's River in every part of the ſaid river between the town of Schenectady and the waters of Wood Creek, that then and in ſuch caſe, this act, ſo far forth as relates to the ſaid corporation, ſhall ceaſe and become null and void, and all the rights hereby veſted in the ſaid corporation ſhall revert to the people of this State, any thing herein contained to the contrary notwithſtanding. And if within the term of fifteen years, to be computed from the ſaid firſt day of January next, the ſaid navigation ſhall not be continued down the ſaid Wood Creek and extended to Lake Ontario and to the Seneca Lake, to carry boats of the burthen above mentioned, then it ſhall be the duty of the Attorney General of the State for the time being, *ex officio* to file an information in the Supreme Court of this State againſt the ſaid corporation, and if upon the traverſe it ſhall be found that the ſaid corporation hath not extended the ſaid navigation in manner aforeſaid down the ſaid Wood Creek, and as far as to the Seneca Lake and Lake Ontario, and judgment ſhall be given in favor of the people of this State, thenceforth the powers and rights veſted in the ſaid corporation ſo far forth as relates to the extenſion of the ſaid navigation from the ſaid Wood Creek to the ſaid lakes, ſhall ceaſe, determine, and be null and void, any thing in this act to the contrary hereof notwithſtanding.

Charter of the corporation of the Weſtern Company declared void if the navigation of a certain part of their intended work is not completed in five years.

And if the reſidue of the work is not completed within fifteen years, then their charter to be forfeited as far as relates to ſaid reſidue.

And be it further enacted by the authority aforeſaid, That if the corporation by this act made and created, by the name of The Preſident, Directors, and Company of the Northern Inland Lock Navigation, in the State of New-York, ſhall not, within the term of fifteen years, to be computed from the firſt day of January next, compleat the ſaid navigation from a weſt line from the mouth of the creek on which the mill now in the poſſeſſion of John Van Renſſelaer ſtands,

Charter of the corporation of the northern company declared void if their navigation is not completed within fifteen years.

in the town of Troy, to that part of the said town opposite to the north end of the house in the occupation of George Tibbets, so that vessels drawing four feet of water may pass at low water when loaded, and shall not compleat the navigation of Hudson's River, from the point opposite to the said house in the occupation of the said George Tibbets, to a point in Hudson's River, where a canal from Wood Creek, or any branch thereof, shall intersect the said river, to carry boats of the burthen and dimensions specified in the last preceding section of this act, and shall not in like manner compleat such canal and the navigation from Hudson's River to Lake Champlain, that then, and in either of these cases, this act, so far forth as relates to the said corporation last mentioned shall cease and become null and void, and all the rights by this act vested in the said corporation shall revert to the people of this State, any thing herein contained to the contrary hereof notwithstanding. *Provided always*, That it shall be first found by information, traverse and judgment, in manner aforesaid, that the said navigation has not been so compleated. And for the encouragement of the said corporations respectively, and to enable them to prosecute the objects for which they were respectively instituted, with the greater dispatch and efficiency.

Treasurer of this state to pay to each of said corporations as a free gift, the sum of 12,500 dollars, whenever the governor shall certify to him that each of them have expended 25,000 dollars in the prosecution of said inland navigation.

Be it further enacted *by the authority aforesaid*, That it shall and may be lawful to and for the treasurer of this State for the time being, and he is hereby required whenever it shall be certified unto him by the person administering the government of this State for the time being, that it has appeared to him by satisfactory proof, that either of the said corporations hath actually expended and laid out in the prosecution of the said inland navigation, the sum of twenty-five thousand dollars, to pay unto the president and directors of each of the corporations respectively (for the use of the stockholders thereof, as a free gift to them from the people of this State) in whose favor such certificate shall pass, the sum of twelve thousand five hundred dollars, out of any monies which may come into the treasury after the first day of October next. *Provided always*, That when such payment shall be made to the said corporations or either of them, they shall proceed in the objects of their institution until the said free gift shall be expended or laid out thereon, and in failure thereof, the same shall be repaid into the treasury, any thing in this act to the contrary notwithstanding.

Proviso, such free gift to be actually expended on such navigation.

As soon as said companies are incorporated, the subscriptions on demand to be paid by the commissioners to such corporations.

And be it further enacted by the authority aforesaid, That as soon as the said companies shall respectively be incorporated as aforesaid, the said commissioners shall upon demand pay to the president and directors of each of the said corporations, the several sums by them received on taking the said subscriptions to the said companies respectively, and by them retained as aforesaid, for the use of the said corporations respectively, to which the same shall be subscribed, after deducting thereout such contingent charges as they shall have incurred in the execution of the trusts committed to them by this act.

CHAP. XLI.

An ACT *for the relief of Abraham Lott.*

Passed the 3d of April, 1792.

Preamble, reciting that judgment and execution hath been obtained against Abraham Lott, in a certain suit.

WHEREAS a suit has been commenced in the Supreme Court of this State, on behalf of the people of this State against Abraham Lott, in which suit judgment hath been obtained and execution thereupon issued. *And whereas* the said Abraham Lott has heretofore been imprisoned for a very considerable period of time, and is now reduced and become altogether unable to pay and discharge the same: Therefore,

Attorney-general directed to enter satisfaction of said judgment on record, upon said Lott's paying costs.

Be it enacted *by the People of the State of New-York, represented in Senate and Assembly*, That it shall and may be lawful for the Attorney General of this State, to enter a satisfaction of the said judgment on record, upon the said Abraham Lott's paying the costs of the same suit, and paying into the treasury the poundage heretofore directed by law to be paid to Marinus Willet, Esquire, for his poundage fees on the said judgment.

CHAP. XLII.

An ACT *for raising a further sum of money for compleating the Gaol and erecting a new Court-House, in the City and County of Albany, and for other purposes therein mentioned.*

Passed the 3d of April, 1792.

Preamble, reciting that the commissioners appointed for repairing the court-house in Albany, have prayed leave to sell the old court-house, &c.

WHEREAS the commissioners appointed by the act, entitled "an act for building a gaol and repairing the court-house, in the city and county of Albany," have by their petition set forth, that one thousand five hundred pounds will be requisite to compleat the intention of that law; that the present court-house is in an improper situation, and if power is granted for selling the same, the money thereby arising, together with such sum as would be necessary to repair it, will be sufficient to erect a new court-house: Therefore,

Authority given to them to sell the same, and to apply the money in building a new court house.

Be it enacted *by the People of the State of New-York, represented in Senate and Assembly*, That it shall and may be lawful for the supervisors of the city and county of Albany, and full power for that purpose is hereby granted to them, to sell and alien in fee simple, to any person or persons whomsoever, at their discretion, the lot of ground situate in the city of Albany, in the county of Albany aforesaid, whereon the court-house aforesaid is erected, with the ground thereto belonging, adjoining and appertaining, together with the buildings thereon, or any part or parts of the materials of the said buildings, and to apply the monies produced by such sale, to the erecting of a new court-house, at such place within the said city, as the commissioners aforesaid and the supervisors of the said county or a majority of them shall deem proper.

And be it further enacted, That the supervisors of the city and county of Albany aforesaid, for the time being, shall be and they are hereby authorised and required to direct to be raised on

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Supervisors of Albany authorised to raise 1500l. by tax, for compleating the gaol and court-house.

One moiety to be paid before November, 1792.

And the other moiety before November, 1793.

the freeholders and inhabitants of the said city and county, the sum of one thousand five hundred pounds for compleating the gaol in the said county, and the court-house to be erected as aforesaid, with an additional sum of nine pence in the pound for collecting the same; which said sums shall be raised, levied and collected, at the same time and in like manner, as the other necessary and contingent charges of the said city and county are levied and collected.

And be it further enacted, That the one moiety of the said sum of one thousand five hundred pounds shall be collected and paid into the treasury of the said city and county, on or before the first day of November, which will be in the year of our Lord, one thousand seven hundred and ninety-two, and the other moeity on or before the first day of November, which will be in the year of our Lord, one thousand seven hundred and ninety-three; and the treasurer of the said city and county is hereby required and directed, out of the money aforesaid, to pay to the commissioners appointed by the act above recited, or their order, the several sums of money to be by them drawn for; and it is hereby made the duty of the said commissioners for the time being, to account with the supervisors of the said city and county for the monies to be by them received and expended for the purposes aforesaid, when thereunto required.

Treasurer of Albany to retain three pence in the pound for his trouble.

And be it further enacted, That it shall and may be lawful for the treasurer of the said city and county of Albany, to retain in his own hands, the sum of three pence in the pound for his trouble in receiving and paying out the monies arising and directed to be raised by this act.

If said court-house shall be sold, judges & justices to appoint a place for holding the courts, until the new court-house shall be built.

And be it further enacted, That if the court-house aforesaid, shall be sold as before directed, the court of common pleas and general sessions of the peace, for the same county, and the Mayor's courts of the city of Albany shall, after the term next following the said sale be adjourned to and held at such place in the city of Albany aforesaid, as the judges and justices of the same courts, or a majority of them, shall determine, until the court-house to be erected as aforesaid in the said city, shall be built and fit for the reception of the said courts, when the judges and justices of the same courts respectively or a majority of them shall adjourn the said courts, to be held in the court-house to be erected as aforesaid.

CHAP. XLIII.

An ACT *to explain and amend an act, entituled, "An Act for the partition of Lands. Passed the 3d of April*, 1792.

Preamble, reciting that by the act for partition of lands, improvements made by possessors with consent of owners, are to be paid for, upon a partition before the owner takes possession, and that in such cases doubts may arise if the owner gave his consent.

WHEREAS it is enacted in and by the sixth section of the act entitled, "An act for the partition of lands, passed the sixteenth day of March, one thousand seven hundred and eighty-five: That in case of a partition of any patents or tracts of land, on which improvements have heretofore been made by any person or persons, by consent of any owner or owners, proprietor or proprietors of such patents or tracts of land, the person or persons, to whose share or shares such parcels of improved lands shall fall, upon a partition of such patents or tracts of land, shall, before he or they are permitted to the possession of the same, pay to the respective possessor or possessors thereof, the value of the improvements made thereon. *And whereas* doubts may arise, whether such possessor or possessors have had the consent of the owner or owners, proprietor or proprietors of such land, so divided, to make such improvement: Therefore,

Mode for ascertaining such consent, where there is a doubt.

Be it enacted *by the People of the State of New-York, represented in Senate and Assembly, and it is hereby enacted by the authority of the same*, That it shall and may be lawful to and for the person or persons to whose share any such parcels of improved lands may fall, to apply to any judge of the court of common pleas of the county in which the said improved land or the major part thereof lie, which judge, on such application, is hereby authorised and required to issue a *venire* to the Sheriff of the said county, commanding him to summon twelve men having the legal qualifications of jurors and not interested in the premises, to appear before the said Judge on a certain day and at a certain place therein mentioned, of which time and place the said Sheriff shall notify both proprietor and possessor, at which time and place the said Judge shall duly swear the jury, and shall in a summary way enquire of the truth of such consent, and it is hereby declared to be the duty of such Judge and jury to make an inquest of such their enquiry in writing under their hands and seals and deliver a copy thereof to each of the parties, which shall be conclusive and final between the said parties, and legal evidence in any court of judicature.

Reciting that difficulties may arise on the death of one or more of the commissioners appointed by said act, to ascertain the value of such improvements.

And whereas it is enacted in and by the said sixth section, That the commissioners shall, at the request of the party or parties, to whom such parcel or parcels of improved lands shall appertain, issue their precept to the Sheriff of the county, commanding him to summons twelve freeholders, to settle and ascertain the value of the improvements made by the consent of one or more of the said owner or owners of such patents or tracts of land so divided. And as difficulties may arise on the death or absence of one or more of the said commissioners: Therefore,

A judge of the court of common pleas of the county where the land lies, vested with all the powers of said commissioners,

Be it further enacted *by the authority aforesaid*, That any Judge of the court of common pleas of the county in which the major part of the said improved land lies, not interested in the premises, shall and may and are hereby required, to do, perform and execute all the duties and services which the said commissioners are in and by the said sixth section of the said act, authorised, impowered and required to do, for which services the said Judge shall have and receive the sum of ten shillings: And the said Sheriff shall have and receive the sum of twelve shillings for his service, and the said jurors shall have and receive the sum of two shillings each, to be levied and paid as in and by the said act is directed.

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And whereas difficulties may arise between the owner or owners, proprietor or proprietors of patents or tracts of land so divided, and the possessor or possessors of such improved lands, who are not proprietors but settled thereon by consent of some proprietor, in determining what rent or compensation such owner or owners, proprietor or proprietors shall have and recover, where there is no express agreement: For remedy whereof

Reciting that difficulties may arise between the owners and improvers, what rent shall be allowed for such land by the improver.

Mode pointed out for ascertaining such rent.

Be it enacted *by the authority aforesaid*, That the owner or owners, proprietor or proprietors to whom any such improvements may be allotted, shall have and recover by an action on the case, of and from the possessor or possessors, who are not proprietor or proprietors, a reasonable compensation for the use and occupation of the premises so held; and the said judge and jury, authorized, empowered and directed, to ascertain and value the improvements as aforesaid, shall and may, and are hereby required in every such case, to ascertain and value the use and occupation of the premises, so held used and occupied, the amount of which they shall deduct from the amount of the said valued improvements.

CHAP. XLIV.

An ACT *to vest in the Corporation of the Episcopal Church in the Town of Yonkers in the county of Westchester and State of New-York, the Church and Lands therein mentioned.*

Passed the 3d of April, 1792.

Preamble, reciting that the commissioners of forfeitures for the southern district were directed to convey a certain real estate to the Episcopal church in Philips's manor.

WHEREAS by an act entitled "An act further to amend an act, entitled "An act for the speedy sale of the confiscated and forfeited estates within this State, and for other purposes therein mentioned," Passed the first day of May 1786, it was enacted, That it should be lawful for the commissioners of forfeitures for the southern district, to convey to the trustees of the Episcopal Church in the Manor of Philipsburgh, the Church or building situate near the mansion house, late the residence of Frederick Philipse, of the said manor, together with two acres of land adjoining to the said Church, and also the parsonage or glebe situate on the east side of saw-mill river in the said manor, and then in the occupation of the widow of Luke Babcock Clerk, late deceased, containing about ninety-seven acres, which was by the said Frederick Philipse heretofore appropriated for a parsonage or glebe. *And whereas*, the said commissioners have not conveyed the said Church, nor the two acres of land nor the glebe to the said trustees: Therefore

And that they have not made such conveyance.

Right of the people of this state, in said estate, declared to be vested in the trustees of said church.

Be it enacted *by the People of the State of New-York, represented in Senate and Assembly, and it is hereby enacted by the authority of the same*, That all the estate, right, title, interest, claim and demand, of the people of the State of New-York, in and to the said Church, and two acres of land, and in and to the said parsonage or glebe, shall be and hereby are granted to and vested in the corporation of the Episcopal Church in the town of Yonkers in the county of Westchester, in the State of New-York, and their successors for ever, for the use of the said corporation.

CHAP. XLV.

An ACT *for building a Court House in Richmond County.*

Passed the 3d of April, 1792.

Preamble.

WHEREAS the supervisors of Richmond county, have by their Petition requested the Legislature, to enable them by law to raise a sum of money, to build a court house in the said county: Therefore

Supervisors of Richmond county authorised to raise by tax 500l. to build a court-house in said county.

Be it enacted *by the People of the State of New-York, represented in Senate and Assembly*, That the supervisors of the several towns in the said county for the time being, or the major part of them, shall be, and they are hereby authorized and required to direct to be raised and levied on the freeholders and inhabitants of the said county, a sum not exceeding five hundred pounds for building a court house in the said county, with the additional sum of nine pence in the pound for collecting the same, which said sums shall be raised levied and collected, in like manner as the other necessary and contingent charges of the county are levied and collected.

Supervisors, when & where to meet for the purpose of directing such sum to be raised.

And be it further enacted, That the supervisors of Richmond county, or the major part of them, shall meet at the dwelling house of Daniel Turner, in Richmond town in the same county, on the third Tuesday of April next, for the purpose of directing such sum as they shall order to be raised for the purpose aforesaid, together with the poundage for collecting the same, to be raised and levied; and it is hereby made the duty of the clerk of the supervisors of the said county, to notify the said supervisors of such meeting.

Said sum, how to be raised, collected and paid.

And be it further enacted, That the sum so to be raised, shall be collected and paid into the Treasury of the said county, in manner following, that is to say, two third parts thereof on or before the first day of July next, and the remaining third part thereof on or before the first day of November next.

Supervisors and judges to appoint commissioners for building the same, fix the place, and agree upon the plan.

And be it further enacted, That the supervisors and the judges of the court of common pleas in the said county, shall on the said third Tuesday of April next, assemble together and appoint three commissioners to superintend the building of the court house aforesaid, which said court house shall be erected on the lot of land in Richmond town, whereon the former court house was erected, or on such other piece of ground as the said supervisors and judges or the major part of them shall agree upon, in the said town, and upon such plan as the said commissioners, or a majority of them, so to be appointed shall think most consistent with œconomy and the interest of the said county: And that the said commissioners

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or a majority of them ſo to be appointed, ſhall and may contract with workmen, and purchaſe materials for erecting the aforeſaid court houſe, and ſhall from time to time, draw upon the treaſurer of the ſaid county, for ſuch ſums of money for the purpoſes aforeſaid, as ſhall come into the treaſury by virtue of this act. And the treaſurer is hereby required, out of the monies aforeſaid, to pay to the order of the ſaid commiſſioners, the ſeveral ſums of money to be by them drawn for; and it is hereby made the duty of ſuch commiſſioners ſo to be appointed, to account with the ſuperviſors of the ſaid county, for the monies which they ſhall have ſo received from the treaſury when thereunto required.

Said commiſſioners ſo appointed may contract with workmen, and purchaſe materials, draw upon the treaſurer for money, &c.

And be it further enacted, That the court of common pleas and the court of general ſeſſions of the peace for the ſame county, ſhall be held at the houſe of Daniel Turner in Richmond town, or at ſuch other place in the ſaid town, as the judges and juſtices of the ſame court, or a majority of them ſhall determine, until the court houſe aforeſaid ſhall be built, and fit for the reception of the ſaid courts.

Courts, where to be held until ſuch court-houſe is built.

And be it further enacted, That it ſhall and may be lawful for the treaſurer of the ſaid county, to retain in his hands the ſum of three pence in the pound, for his trouble in receiving and paying out the monies directed to be raiſed by this act.

County Treaſurer's allowance for collecting.

CHAP. XLVI.

An ACT *to enable the Corporation therein mentioned, to aſſume the name of the Rector and Inhabitants of Ponghkeepſie, in communion of the Proteſtant Epiſcopal Church in the State of New-York.* *Paſſed the 5th of April*, 1792.

WHEREAS the corporation of the Rector and Inhabitants of Poughkeepſie, in Dutcheſs county, in communion of the Church of England as by law eſtabliſhed, were by letters patent under the great ſeal of the late colony of New-York, bearing date the ninth day of March, one thouſand ſeven hundred and ſeventy-three, enabled to ſue and be ſued, plead and be impleaded, anſwer and be anſwered unto, defend and be defended, and to exerciſe all and ſingular the other rights and powers in and by the ſaid letters patent to them granted, by the name and ſtile of "The Rector and Inhabitants of Poughkeepſie, in Dutcheſs county, in communion of the Church of England as by law eſtabliſhed."

Preamble, reciting that the rector and inhabitants of the church of England, at Poughkeepſie, were formerly incorporated by a certain name.

And whereas the ſaid corporation, by their humble petition to the legiſlature, of this State, have prayed that they may be enabled to aſſume and uſe the name of the Rector and Inhabitants of Poughkeepſie, in communion of the proteſtant Epiſcopal Church in the State of New-York: Therefore

Reciting further that they have petitioned to change ſuch name.

Be it enacted *by the People of the State of New-York, repreſented in Senate and Aſſembly*, That the ſaid corporation ſhall and may, from and immediately after the paſſing of this act, aſſume and uſe the name and ſtile of "The Rector and Inhabitants of Poughkeepſie, in communion of the Proteſtant Epiſcopal Church in the State of New-York," and by the ſame name be capable to ſue and be ſued, plead and be impleaded, anſwer and be anſwered unto, defend and be defended, and to exerciſe all and ſingular the other rights and powers in and by the ſaid letters patent granted as aforeſaid to the ſaid corporation, by the name and ſtile of "The Rector and Inhabitants of Poughkeepſie in Dutcheſs county, in communion of the Church of England, as by law eſtabliſhed," any thing in the ſaid letters patent to the contrary thereof in any wiſe notwithſtanding.

Such name declared to be changed, and thereby the corporation may ſue and be ſued.

CHAP. XLVII.

An ACT *relative to unclaimed Certificates now in the Treaſury of this State.* *Paſſed the 5th of April*, 1792.

WHEREAS certificates for pay due the levies and militia who ſerved in the late war, ſtill remain unclaimed by perſons entitled thereto; *And whereas* it hath been repreſented to the legiſlature, that great frauds have been practiſed in procuring orders on the treaſurer of this State for the delivery of ſuch certificates: Therefore

Preamble, relative to unclaimed certificates for levies pay remaining in the treaſury.

Be it enacted *by the People of the State of New-York, repreſented in Senate and Aſſembly*, That it ſhall and may be lawful for the treaſurer of this State, to deliver certificates due to any perſon for military ſervices, upon the order of ſuch perſon duly acknowledged before any one of the judges of the ſupreme court, or in the court of common pleas in the reſpective counties of the State, or before one of the juſtices of the peace of this State;

Treaſurer directed how and to whom to deliver ſuch certificates.

Provided ſuch order ſhall be preſented to the treaſurer of this State, on or before the firſt day of May next.

Proviſo.

Provided alſo, That it ſhall appear to the ſatisfaction of the ſaid treaſurer, that ſuch order was executed previous to the paſſing of this act; and the perſon applying with the ſaid certificate, ſhall give bond to the ſaid treaſurer for the uſe of the people of this State, with ſufficient ſecurity under ſuch penalty as the ſaid treaſurer may deem proper, conditioned that the applicant ſhall re-deliver the certificate, or the equivalent value thereof in money, to the ſaid treaſurer, if it ſhall at any time thereafter appear, that the perſon to whom ſuch certificate was delivered, was not legally entitled to receive the ſame.

Further proviſo.

And be it further enacted, That from and after the paſſing of this act, the treaſurer of this State ſhall not deliver any certificate or certificates for military ſervices, other than as aforeſaid, except to the perſon or perſons who have performed ſuch ſervices as aforeſaid, or to his or their order, to be acknowledged before one of the judges of the ſupreme court of judicature of this State, or of the court of common pleas of the county where ſuch per-

Further directions to the treaſurer relative to the delivery of ſuch certificates.

ſon ſhall reſide, to be accompanied with a certificate from ſuch judge, certifying that the perſon acknowledging the ſame, produced ſatisfactory evidence to the ſaid judge, of his being the perſon legally entitled to the ſaid certificate.

CHAP. XLVIII.

An ACT *to authorize the Treaſurer of this State, to pay to ſundry perſons the ſeveral ſums of Money therein mentioned. Paſſed the 6th of April,* 1792.

BE it enacted *by the People of the State of New-York, repreſented in Senate and Aſſembly,* That all perſons holding certificates iſſued by Udny Hay, ſtate agent, and counterſigned by any one of his aſſiſtants, for ſupplies furniſhed or ſervices performed in purſuance of an act, entitled "An act to procure ſupplies for the uſe of the army, and to prevent a monopoly of cattle within this State, and more effectually to prevent ſupplies of cattle to the enemy," paſſed June 24th, 1780, ſhall on or before the firſt day of December next, preſent the ſame to the auditor of the State, who is hereby required to examine the evidence in ſupport of the ſame, and in ſuch caſes where the perſons producing the certificates ſhall offer evidence to the ſatisfaction of the auditor, that the ſupplies were furniſhed or the ſervices performed, for which the certificates were iſſued; he ſhall report the ſame and deliver in the vouchers accompanying ſuch certificates, to the legiſlature at their next meeting.

All perſons holding ſtate agents or Udny Hay's certificates, to preſent the ſame to the Auditor for examination, who is t make a certain report thereon to the legiſlature.

And be it further enacted, That the treaſurer ſhall pay to the following perſons the following ſums of money out of any money in the treaſury, not otherwiſe appropriated, that is to ſay:

Treaſurer directed to pay the following ſums to the following perſons.

To David Howell, for repairing muſkets for the uſe of the New-York regiments, in the year one thouſand ſeven hundred and ſeventy-ſix, forty eight pounds, one ſhilling and one penny.

To David Howel, £. 48 : 1 : 1.

To Evert Bogardus, for making nails for the uſe of the rope-walk at Kingſton in Ulſter County, in the year one thouſand ſeven hundred and ſeventy-ſeven, twelve pounds three ſhillings and nine pence.

To Evert Bogardus, £. 12 : 3 : 9.

To Solomon Hopkins, for beef and pork ſupplied to Captain Townſend, of Colonel Luddington's regiment, with a guard of the militia, while on duty at Cox's Mill, in May one thouſand ſeven hundred and ſeventy-ſeven, five pounds ten ſhillings.

To Solomon Hopkins, £. 5 : 10 : 0.

To Thomas Storm and Hendrick Wyckoff, for their ſervices and expences in procuring money on loan, in conſequence of concurrent reſolutions of both houſes of the legiſlature, on the thirtieth day of May, one thouſand ſeven hundred and eighty, twelve pounds.

To Thomas Storm and Hendrick Wyckoff, £. 12 : 0 : 0.

To Iſaac Bloom, for his ſervices and expences, in procuring money on loan, agreeably to the ſaid reſolutions of both houſes of the legiſlature, eight pounds.

To Iſaac Bloom, £. 8 : 0 : 0.

To John Duzenbury, for ſupporting a party under his command on ſpecial ſervice, by order of the committee of Rombout Precinct, in April, one thouſand ſeven hundred and ſeventy-ſix, ſeventeen pounds three ſhillings and four pence.

To John Duzenbury, £. 17 : 3 : 4.

To Theophilus Anthony, for articles furniſhed to Gilbert Livingſton, one of the ſecret committee for obſtructing the navigation of the River Hudſon, four pounds, ſeventeen ſhillings and four pence.

To Theophelus Anthony, £. 4 : 17 : 4.

And whereas it appears to the legiſlature, that in the ſummer of the year one thouſand ſeven hundred and ſeventy-ſix, Samuel Townſend, Eſquire, of Queen's County, did receive of the Treaſurer of the State, agreeable to an order of the convention of this State, one thouſand four hundred and forty pounds, in continental and convention bills of credit, to be paid to the chairman of the committee of Queen's County; and that Jonathan Lawrence and the ſaid Samuel Townſend, received of the ſaid Treaſurer, one hundred pounds in the like bills of credit, for the purpoſe of purchaſing proviſions, for the regiment commanded by Colonel Joſiah Smith, while on their march from King's Bridge to the county of Suffolk.

Reciting, that in the year 1776, Samuel Townſend received £. 1440, continental money from the treaſurer, and that Jonathan Lawrence and ſaid Townſend, received £. 100, for public purpoſes.

And whereas it alſo appears to the legiſlature That the ſum of three hundred and ſeventy-two pounds, ſix ſhillings and eight pence of the aforeſaid bills of credit, was not paid out or expended by the aforeſaid Samuel Townſend and Jonathan Lawrence, but that the identical bills of credit remained in the hands of the ſaid Samuel Townſend, until his deceaſe, and have ſince that time until this day been in the poſſeſſion of Robert Townſend the executor of the laſt will of the ſaid Samuel Townſend: *And whereas* the ſaid Robert Townſend hath by his petition prayed the legiſlature to authoriſe the treaſurer, to receive from him, the aforeſaid bills of credit, which had not been paid out or expended in diſcharge of ſo much of the balance due to this State, from the eſtate of the ſaid Samuel Townſend, deceaſed, and the ſaid Jonathan Lawrence: Therefore,

Reciting further, that three hundred and ſeventy two pounds ſix ſhillings and eight pence, of the aforeſaid money was never expended, but ſtill remains in the hand of Samuel Townſend's executor, who hath prayed that the treaſurer may receive the ſame from him.

Be it further enacted, That the Treaſurer of this State ſhall be, and he is hereby directed to receive from the ſaid Robert Townſend, the ſum of three hundred and ſeventy-two pounds ſix ſhillings and eight pence, in the aforeſaid continental and convention bills of credit, and to credit that ſum in the account charged againſt the ſaid Samuel Townſend and Jonathan Lawrence, or either of them.

Treaſurer directed to receive the ſame and to give credit therefor.

And be it further enacted, That the treaſurer of this State ſhall, and he is hereby directed to pay unto John Wyley, the amount of ſuch monies as may be certified by the auditor of this State to be due to the ſaid John Wyley, as well in his own right, as for ſuch ſum as may in like manner be certified to be due to the ſaid John Wyley, as executor of the eſtate of George Yeomans, deceaſed, from the eſtate of John Turner, forfeited to the people of this State, and ſold by the commiſſioners of forfeitures for the middle diſtrict.

Treaſurer to pay John Wyley ſuch ſum as the auditor may certify to be due to him as an executor to George Yeoman's eſtate, from the confiſcated eſtate of John Turner.

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Proviſo.

Provided the monies ſo certified to be due do not exceed the balance remaining in the treaſury ariſing from the ſale of the ſaid eſtate, with intereſt calculated on the ſaid balance, from the time it was paid into the treaſury, by the commiſſioners of forfeitures as aforeſaid.

Treaſurer to pay John Bancker one hundred and two pounds, the value of a piece of land taken from him.

And be it further enacted, That the treaſurer of this State do pay to John Bancker, the ſum of one hundred and two pounds, being the value of a piece of land containing about thirty acres, lying in Ulſter county, ſold by the commiſſioners of forfeitures for the middle diſtrict, as having been forfeited to the people of this State, by the conviction of Latting Carpenter, but which land, from defect of title in the people of this State, has ſince been recovered againſt the ſaid John Bancker; and the ſaid treaſurer ſhall alſo pay to the ſaid John Bancker his coſts taxed in the ſaid ſuit.

Auditor to credit Jonathan Lawrence 37l. 2s. 3d.

And be it further enacted, That the auditor of the State be, and he is hereby authorized and directed to credit Jonathan Lawrence the ſum of thirty ſeven pounds two ſhillings and three pence, charged to his account, being for a balance due from the late Thomas Palmer, as one of the commiſſioners for forwarding troops to Eaſton in Pennſylvania; and alſo the farther ſum of two hundred and thirty ſix pounds, thirteen ſhillings and two pence, charged againſt the ſaid Jonathan Lawrence, for a balance due from John H. Sleght, as one of the commiſſioners for procuring a ſum in ſpecie; and the ſaid auditor is hereby authorized and required to allow to the ſaid Jonathan Lawrence, intereſt at the rate of five per cent. per annum on ſuch balance as he ſhall find due to the ſaid Jonathan Lawrence, from and after the firſt day of May one thouſand ſeven hundred and eighty two. And the treaſurer is hereby authorized and required to pay to the ſaid Jonathan Lawrence, ſuch balance as ſhall be certified to be due unto him, upon ſuch ſettlement as aforeſaid.

And the further ſum of 236l. 13s. 2d. on certain accounts, and treaſurer to pay the balance due on ſuch accounts.

Treaſurer to pay to Alexander Whaley 60l. in ſatisfaction of ſalt meadows recovered from him.

And be it further enacted, That the ſaid treaſurer do pay to Alexander Whaley the ſum of ſixty pounds, with lawful intereſt from the twenty firſt day of March, one thouſand ſeven hundred and eighty five, until the day of the paſſing of this act, in ſatisfaction of three acres of ſalt meadow, purchaſed by him of the people of this State, and lately recovered from him, by title paramount to that of this State; and alſo the further ſum of twenty eight pounds ten ſhillings and three pence, for monies by him expended in defence of the ſaid lands, and for his coſts and diſburſements therein.

Recital.

And whereas it appears to the legiſlature, that a certificate iſſued by Gerard Bancker, treaſurer of this State, to Increaſe Carpenter, in exchange for certificates commonly called Barber's Notes, and which were taken on loan by this State, was, on or about the twenty third day of February, one thouſand ſeven hundred and ninety one, conſumed by fire: Therefore,

Treaſurer to iſſue a certificate to Increaſe Carpenter, in lieu of one conſumed by fire.

Be it further enacted, That it ſhall be lawful for the treaſurer to iſſue to the ſaid Increaſe Carpenter a certificate of the ſame kind, of the like form, of the like amount, and bearing the like intereſt with the one ſo conſumed, upon the ſaid Increaſe Carpenter, with two ſufficient freeholders as his ſureties, having firſt ſealed and delivered, in the preſence of two or more witneſſes, a joint and ſeveral bond to the ſaid treaſurer, in treble the amount of the ſaid certificate, with condition, that the ſaid Increaſe Carpenter, his heirs, executors, or adminiſtrators, ſhall and will ſave harmleſs, and keep indemnified, the people of this State, from any coſts, charges, claims, payments, or demands, for or on account of the ſaid certificate, which is alledged to have been ſo conſumed; and further, that the ſaid treaſurer, on iſſuing ſuch certificate in purſuance of this act, ſhall, before he delivers the ſaid certificate to the ſaid Increaſe Carpenter, or to any perſon for his uſe, make a memorandum on the margin, in the book from whence the certificate alledged to have been ſo conſumed by fire was indented, and taken out, and alſo on the margin from whence the certificate to be iſſued in purſuance of this act ſhall be taken out, purporting, that the laſt mentioned certificate is iſſued in lieu of that alledged to have been ſo conſumed.

Treaſurer to pay to Joſeph S. Mabbett, 650l. for property taken by the commiſſioners of ſequeſtration.

And be it further enacted, That the ſaid treaſurer ſhall pay to Joſeph S. Mabbett, adminiſtrator of Samuel Mabbett, deceaſed, the ſum of ſix hundred and fifty pounds, in ſatisfaction of property improperly taken during the war, from the ſaid Samuel Mabbett, by the commiſſioners of ſequeſtration in Dutcheſs county, and by them ſold, and the avails thereof paid into the treaſury of this State.

Reciting, that a ſuit is now depending againſt Henry K. Van Renſſelaer, for certain certificates iſſued for pay to his regiment.

And whereas, a ſuit is now depending in the ſupreme court of judicature of this State, againſt Henry K. Van Renſſelaer, in behalf of the people of this State, for certain certificates iſſued by the treaſurer to the ſaid Henry K. Van Renſſelaer, for pay due to certain officers and ſoldiers, in the regiment under his command, as a Colonel in the time of the late war.

And that the perſons entitled to ſaid certificates have never received them.

And whereas the perſons herein after named, have by petition applied to the legiſlature for their pay, alledging that they have not received the certificates iſſued for their pay; and it appearing that the ſums herein after mentioned were due to them reſpectively: Therefore

Treaſurer to pay ſaid perſons the following ſums.

Be it further enacted, That the treaſurer ſhall be, and he is hereby directed to pay, after the determination of the ſaid ſuit, the following ſums to the following perſons, being officers and ſoldiers of the ſaid regiment, that is to ſay:

To Stephen Randall. 39l. 9s. 4d.

To Stephen Randall, for his ſervices as a Lieutenant in the regiment commanded by the ſaid Henry K. Van Renſſelaer, thirty nine pounds nine ſhillings and four pence.

To Pheneas Lewis, 6l. 14s. 5d.

To Phineas Lewis, as a corporal and private in the ſaid regiment, ſix pounds fourteen ſhillings and five pence.

To Joſhua Randall, for his ſervices as a ſerjeant, corporal, and private in the ſaid regiment, thirteen pounds four ſhillings and one penny.

To Joſhua Randall, 13l. 4s. 1d.

To John Green, as a private in the ſaid regiment, nine pounds five ſhillings and eleven pence.

To John Green, 9l. 5s. 11d.

To Hezekiah Hull, as a Lieutenant in the ſaid regiment, twenty three pounds eleven ſhillings and five pence.

To Hezekiah Hull, 23l. 11s. 5d.

To Daniel Hull, as a Lieutenant and private in the ſaid regiment, twenty one pounds eleven ſhillings and one penny.

To Daniel Hull, 21l. 11s. 1d.

To Ephraim Jackſon, as a private in the ſaid Regiment, twelve pounds ſeven ſhillings and eleven pence.

To Ephraim Jackſon, 12l. 7s. 11d.

To Auguſtine Odell, a Captain in the ſaid regiment, ſixty-three pounds eight ſhillings and nine pence.

To Auguſtine Odell, 63l. 8s. 9d.

To Jonas Odell, a Sergeant and Lieutenant in the ſaid regiment, thirty-three pounds two ſhillings and eight pence and two thirds of a penny.

To Jonas Odell, 33l. 2s. 8⅔d.

To David Huſted, as a Lieutenant and Captain in the ſaid regiment, eighty-two pounds thirteen ſhillings and nine pence.

To David Huſted, 82l. 13s. 9d.

To James Heuſted, eighteen pounds three ſhillings and ten pence.

To James Heuſted, 18l. 3s. 10d.

To Benjamin Randall as a private and Captain in the ſaid regiment, forty-four pounds fifteen ſhillings and eight pence.

To Benjamin Randall, 44l. 15s. 8d.

To David Randall, as a private and Lieutenant in the ſaid regiment, thirty-five pounds, three ſhillings and ſeven pence and two thirds of a penny.

To David Randall, 35l. 3s. 7⅔d.

To Mathew Randall, as a Corporal and private in the ſaid regiment, eighteen pounds, nineteen ſhillings and ſix pence.

To Mathew Randall, 18l. 19s. 6d.

To Charles Green, as an Enſign and a Lieutenant in the ſaid regiment, twelve pounds, five ſhillings and eleven pence and two thirds of a penny.

To Charles Green, 12l. 5s. 11⅔d.

To Luke Green, as a Sergeant and a private in the ſaid regiment, eight pounds fifteen ſhillings and ſeven pence half-penny.

To Luke Green, 8l. 15s. 7½d.

Provided nevertheleſs, That if it ſhall appear on the trial of the ſaid ſuit, that the ſaid Henry K. Van Renſſelaer, hath in the whole or in part paid to the ſaid perſons before named, or any or either of them, any of the ſaid ſums due to them for pay as aforeſaid, then the Treaſurer ſhall deduct all ſuch payments, from the ſums of money above mentioned to be due to them reſpectively.

Proviſo.

And be it further enacted, That the Treaſurer be, and he is hereby directed to pay unto John Thompſon, twenty-ſix pounds eighteen ſhillings, for furniture taken by Colonel Van Renſſelaer, in the year one thouſand ſeven hundred and ſeventy-ſix, and ſold by order of certain commiſſioners appointed by the then convention of this State.

To John Thomſon, 26l. 18s. 0d.

And whereas, in the year one thouſand ſeven hundred and ſeventy-five, five hundred and forty-eight ſtand of arms and accoutrements, were taken from the Mayor Aldermen and commonalty of the city of New-York, by order of the convention of this State, for the uſe of the regiments commanded by General M'Dougall and General James Clinton, in the ſervice of the United States, and for which the State hath exhibited an account againſt the United States: Therefore,

Reciting that 548 ſtand of arms were taken from the corporation of New-York.

Be it further enacted, That whenever it ſhall appear to the Treaſurer that this State hath a credit with the United States for the ſame, he ſhall thereupon pay to the ſaid Mayor Aldermen and commonalty of the city of New-York, ſuch ſum as this State ſhall appear to have credit for, on account as aforeſaid.

Treaſurer to pay ſuch ſum for the ſame, as this ſtate may be credited for by the United States.

And be it further enacted, That the Treaſurer of this State be, and he is hereby directed to pay to Benjamin Moore, ſuch ſum of money as the Auditor for this State ſhall certify to be due to the ſaid Benjamin Moore, for the time that Joſeph Moore, his ſon, was in ſervice (taken priſoner and died in captivity) as ſhall appear to have accrued for his wages, between the day of his entring the ſervice and the day of his death, with the intereſt thereon at five per cent. per annum.

Treaſurer to pay Benjamin Moore ſuch ſum as the auditor ſhall certify to be due to him.

Provided, That it ſhall appear to the ſaid Auditor that ſuch pay has not been received by the officer who by law was entitled to receive the ſame.

Proviſo.

And whereas Edward Spragg, late of Hampſtead in Queen's County, at the requeſt of, and together with and for the proper debt of Thomas Spragg, late of Fiſhkill in Dutcheſs County, by their bond bearing date the twenty-fifth day of May, in the year of our Lord one thouſand ſeven hundred and ſixty-three, became bound to Stephen Lawrence of Fluſhing in Queen's County, in the ſum of three hundred pounds lawful money of New-York, conditioned for the payment of one hundred and fifty pounds, with lawful intereſt for the ſame.

Reciting that Edward Spragg became ſecurity in a bond to Stephen Lawrence for Thomas Spragg.

And whereas the ſaid Thomas Spragg paid the yearly intereſt on the ſaid bond, until the year one thouſand ſeven hundred and ſeventy five, but never paid any part of the principal, nor any intereſt afterwards; and the ſaid Thomas Spragg, during the late war between the King of Great Britain and the United States of America, was convicted of the offence of adhering to the enemies of this State, and his eſtate became thereby forfeited, and the produce thereof, amounting to four hundred pounds, now remains in the Treaſury of this State:

And that ſaid Thomas Spragg's eſtate was forfeited to the people of this State, and ſold.

And whereas the ſaid Edward Spragg is dead, and his executors have, in or about the year one thouſand ſeven hundred and eighty eight, been compelled to pay the money then remaining due on the ſaid bond, amounting in the whole to two hundred and ſixty five pounds, and the executors of the ſaid Edward Spragg have prayed relief in the premiſes: Therefore

And that Edward Spragg's executors have been compelled to pay the amount of ſaid bond.

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Treasurer directed to repay said executors.

Be it further enacted, That it shall be lawful for the Treasurer of this State, and he is hereby directed to pay to the executors of the said Edward Spragg, the said sum of two hundred and sixty five pounds, with interest for the same, at the rate of six per cent. per annum, from the fourth day of March, one thousand seven hundred and eighty eight, upon their producing and depositing with him the said original bond, and their receipts for the monies they paid thereon, giving security to the people of the State of New-York, and delivering the same to the treasurer, to refund the said money, or such part thereof as may be necessary to discharge any incumbrance which may hereafter appear on the estate of the said Thomas Spragg, by the claim of dower by his wife or otherwise.

Recital.

And whereas it appears, from the certificate of the Treasurer of this State, that the attendance of Philip Schuyler in this city, whilst a Senator in Congress, prevented his exhibit of claims on forfeited estates, within the time limited by law: For his relief therefore,

Treasurer directed to pay Philip Schuyler, for certain claims against forfeited estates.

Be it further enacted, That if the said Philip Schuyler shall, within six months after the passing of this act, exhibit to the said treasurer an account of his claims, examined and certified in manner directed by law, by the chancellor or one of the judges of the supreme court, the treasurer shall pay the same out of any unappropriated monies in the Treasury: *Provided* that sufficient avails are left in the treasury, arisen from the estates respectively against which such claims shall be made.

Proviso.

And provided also, That the debts on which such claims have arisen, were contracted before the ninth day of July one thousand seven hundred and seventy six.

Further proviso.

And provided further, That the said Philip Schuyler shall, on receiving the monies aforesaid, give security to the people of the State, and deliver the same to the treasurer, to refund the said money, or such part thereof as may be necessary to discharge any incumbrances which may hereafter appear on the estates of such persons respectively, by claims of dower or otherwise.

Reciting, that William Malcom during his life time, had certain claims adjusted against forfeited estates.

And whereas William Malcom, deceased, did in his life time procure an adjustment of his claims against Hugh Munro and Alexander Crookshank (whose estates were forfeited to the people of this State) before one of the judges of the supreme court, but not making application within the time limited by law, no payment was made: Therefore

Treasurer to pay certificates to his administrator for the same.

Be it further enacted, That it shall and may be lawful for the treasurer of this State to pay to the administrators of the said William Malcom, deceased, the amount of the said certificates, out of any monies unappropriated.

Proviso.

Provided the monies so certified to be due against the said Hugh Munro do not exceed the sum now in the treasury, arising from the sale of the estate of the said Hugh Munro; and that the amount of the monies so certified to be due against the said Alexander Crookshank does not exceed the sum now in the treasury arising from the sale of the estate of the said Alexander Crookshank, any law to the contrary notwithstanding.

Further proviso.

And provided also, That the debts on which such claims have arisen were accrued before the ninth day of July, one thousand seven hundred and seventy six.

Further proviso.

And provided further, That the said administrators of the said William Malcom, deceased, shall on receiving the monies aforesaid, give security to the people of the State, and deliver the same to the treasurer, to refund the said money or such part thereof as may be necessary to discharge any incumbrance which may hereafter appear on the estates of such persons respectively by claims of dower, or otherwise.

Reciting, that William Cockburn had his claims against the forfeited estate of John Weatherhead adjusted, but for want of money in the treasury belonging to such estate, could not be paid.

And whereas William Cockburn, in pursuance of an act of the legislature, passed the ninth day of March, one thousand seven hundred and ninety, had his accounts and demands liquidated and certified against John Weatherhead, whose estate, by his attainder, was forfeited to the people of this State; and on application to the treasurer for payment thereof, it appeared that all the estate of the said John Weatherhead, which had come into the treasury, had before been paid out by the treasurer, to other creditors; and the said William Cockburn can obtain no part of his demand, and he having prayed the legislature that he may be paid out of such real estate, of the said John Weatherhead, as he shall discover, and that has not yet come to the knowledge of the commissioners of forfeitures. Therefore

If said Cockburn, can discover any of said Weatherhead's estate, which has not been sold, the same directed to be sold by surveyor general, and said Cockburn to be paid his demands.

Be it further enacted, That if the said William Cockburn shall discover any estate forfeited by the attainder of the said John Weatherhead, to the surveyor general, and not before disposed of, it shall and may be lawful for the surveyor general to sell the lands so discovered at public vendue, to give a conveyance for the same to the purchaser or purchasers thereof, without warranty, and to pay the monies arising from such sale into the treasury, and the treasurer shall, out of such monies, pay the demands of the said William Cockburn, so liquidated and certified as aforesaid.

Reciting, that there is a deficiency in the quantity of certain forfeited land sold to Samuel Stringer.

And whereas Henry Oothoudt and Jacob G. Klock, commissioners of forfeitures for the western district, sold unto Samuel Stringer, a certain tract of land, supposed to contain five hundred acres, and the usual allowance for highways, for the consideration of three hundred and seventy five pounds.

Further recital.

And whereas it appears, from a certificate of the surveyor general, that the said tract contains only four hundred and forty seven acres: Therefore

Treasurer to pay Stringer for such deficiency.

Be it further enacted, That the Treasurer of this State shall pay unto the said Samuel Stringer, the sum of fifty eight pounds ten shillings, being the amount of the deficiency of fifteen shillings per acre.

Proviso.

Provided always, That it shall appear to the satisfaction of the said Treasurer, that the lands were sold by the acre, and not in gross.

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And be it further enacted, That the Treaſurer ſhall be, and hereby is directed to pay to Henry I. Van Renſſelaer, the ſum of twenty ſeven pounds, for his ſervices in making impreſſes, under warrants from the Governor, in the year one thouſand ſeven hundred and eighty; and to Egbert Dumond the ſum of nineteen pounds for the like ſervices; and to the following perſons, for aſſiſting them in the ſaid ſervice, the ſums following: To Jocham Miller, two pounds eight ſhillings; to Cornelius I. Muller, one pound ſixteen ſhillings; to Samuel Ten Broeck, one pound ſixteen ſhillings; to Lawrence Fonda, four pounds four ſhillings; to John D. Robinſon, two pounds eight ſhillings; to Henry Piatner, three pounds twelve ſhillings; to James Elting, two pounds eight ſhillings; to Richard Eſſelſtyne, two pounds eight ſhillings; to Chriſtopher Muller, three pounds twelve ſhillings; to David Shirts, two pounds eight ſhillings; and to John Philips, one pound four ſhillings.

Treaſurer to pay Henry I. Van Renſſelaer, Egbert Dumond, and their aſſiſtants, certain ſums for making impreſſes under the governor's warrant.

And be it further enacted, That the Treaſurer ſhall be, and is hereby directed to pay to William Lawrence and Richard Seaman, ninety-two pounds fifteen ſhillings and four pence, being the amount of money belonging to them, and which was paid by Charles Duryee, by order of a committee of the convention of this State, in the year one thouſand ſeven hundred and ſeventy-ſeven; and to Thomas Ten Eyck, the ſum of one hundred and forty-ſeven pounds fourteen ſhillings and eight pence; and to Thomas Ten Eyck and Edmund Seaman, the ſum of eighty pounds nine ſhillings and four pence, being the amount of monies belonging to them, and taken from Lemountis Noe, by order of the commiſſioners for detecting and defeating conſpiracies, in the year one thouſand ſeven hundred and ſeventy-ſeven.

Treaſurer to pay William Lawrence and Richard Seaman, Thomas Ten Eyck and Edmund Seaman, certain ſums of money.

And be it further enacted, That it ſhall be lawful for the Treaſurer, and he is hereby directed to pay to Daniel Williams, ſuch ſum as ſhall be certified by the Attorney-General, to be due to him on ſettling the demand of Elizabeth Gidney, for her dower in certain lands in the county of Weſtcheſter, purchaſed by the ſaid Daniel Williams of the commiſſioners of forfeitures. *And alſo*, to Stephen Ward and Jonathan G. Tompkins reſpectively, ſuch ſums as the Attorney-General ſhall certify to be due to them reſpectively, on ſettling the claim of the repreſentatives of Archibald Campbell, to certain lands in the county of Dutcheſs, purchaſed by the ſaid Stephen Ward, and two acres of land and a mill purchaſed by the ſaid Jonathan G. Tompkins, of the commiſſioners of forfeitures or the commiſſioners for procuring a ſum of money in ſpecie. *And alſo*, to Joſeph Brewſter and Mills Philips, ſuch ſum as the Attorney-General ſhall certify to be due to them, on ſettling the demand of Mary Muirſon, for her Dower in certain lands in the county of Suffolk, purchaſed by the ſaid Joſeph Brewſter and Mills Philips, of the Commiſſioners of forfeitures for the ſouthern diſtrict.

Treaſurer to pay Daniel Williams the amount of Elizabeth Gidney's dower, in certain lands in Weſtcheſter county.

And to Stephen Ward and Jonathan G. Tompkins ſuch ſums as ſhall be due for the claims of Archibald Campbell's repreſentatives on certain lands in Dutcheſs county.

And to Joſeph Brewſter and Mills Philips, the amount of Mary Muirſon's dower in certain lands in Suffolk county.

And be it further enacted, That the Treaſurer ſhall pay to John Quackenboſs, the ſum of twelve pounds, being for ſo much money paid by him to Richard Morris, Eſquire, for a releaſe of his claim to a lot of land in the city of New-York, purchaſed by the ſaid John Quackenboſs, of the commiſſioners of forfeitures. *And alſo*, to Benjamin Smith, the ſum of two hundred pounds, as a compenſation to him for his property ſold by order of the commiſſioners of ſequeſtration, in the county of Ulſter.

Treaſurer to pay 12l. to John Quackenboſs.

CHAP. XLIX.

An ACT *authorizing the Mayor, Alderman and Commonalty of the City of New-York, to fill in, and raiſe the Tract of Land in the ſaid City, called the Meadows, and for continuing Rooſevelt and Frankfort ſtreets.* *Paſſed the 6th of April, 1792.*

WHEREAS Benjamin Hildreth, John De Peyſter, John Franklin, Samuel Franklin, Comfort Sands and Samuel Oſgood and others, in and by their certain petition to the legiſlature, ſetting forth, that in the city of New-York in that part commonly called and known by the name of the Meadows, in the fifth ward of the ſaid city, there are many vacant lots of land, which through the inattention of their owners have become deep ſunk holes, the receptacles of water in the rainy ſeaſons, and the ſource of many unwholeſome and noxious ſtenches; and that the petitioners are informed that the powers of the corporation of the ſaid city are not competent ſo far as to grant any relief in the premiſes; and have therefore humbly prayed the legiſlature that an act may be paſſed to compel the owners of ſaid lots to fill them up, and ſo remove the ſaid nuiſance; or that ſuch other meaſures may be taken, as to the legiſlature ſhall ſeem expedient: Wherefore,

Preamble, reciting that Benjamin Hildreth and others have by their petition repreſented a certain place in the city of New-York, called the Meadows, as being very noxious and unwholeſome.

And that the corporation have not ſufficient powers to remedy the evil.

Be it enacted *by the People of the State of New-York, repreſented in Senate and Aſſembly*, That it ſhall and may be lawful to and for the Mayor, Aldermen and Commonalty of the ſaid city, in common council convened, by an ordinance or ordinances, bye law or bye laws for that purpoſe to be made and ordained, and in ſuch manner as they ſhall deem to be moſt conducive to the health, convenience and ſafety of the citizens of the ſaid city, and the intereſt and advantage of the proprietors of the reſpective houſes and lots of ground to be affected thereby, to order the filling in with earth, and raiſing the lots of ground and ſtreets in all the aforeſaid tract of land called the Meadows, ſituate in the fifth ward of the ſaid city, and bounded northerly by Chatham-ſtreet, ſoutherly by the rear of the lots on the northerly ſide of Cherry-ſtreet, weſterly by the rear of the lots on the eaſterly ſide of Queen-ſtreet, and eaſterly by Catharine-ſtreet, to ſuch heighth as to convey into the Eaſt-River all the water which ſhall from time time fall on the ſaid tract of land, or run thereon from the adjoining lots and ſtreets; and that the expence of conforming to ſuch regulation, ſhall be borne and paid by the owners of the reſpective lots of ground to be affected thereby, in the manner herein after mentioned.

Mayor, aldermen & commonalty empowered to fill up and raiſe the lots and ſtreets in ſaid meadows, in ſuch manner as ſhall be moſt conducive to the health of the citizens & intereſt of the owners.

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Richard Furman and others appointed commissioners.

And be it further enacted, That Richard Furman, Frederick Rhinelander, George Stanton, Joseph Stringham and John Stagg, shall be and hereby are appointed commissioners to make an estimate of the whole expences of conforming to such regulations as aforesaid, and to make a just and equitable assessment thereof, among the owners of all the houses and lots of ground intended to be benefited thereby, in proportion, as nearly as may be to the advantage which each shall be deemed to acquire respectively, making such allowance to such of the owners or proprietors of any of the said houses and lots of ground, as shall have filled in or raised their respective lots of ground, or the streets in front thereof, as they the said commissioners shall deem just and equitable. And the said commissioners shall before they enter upon the execution of their trust, be duly sworn before the Mayor or Recorder of the said city, to make the said estimate or assessment, fairly and impartially according to the best of their skill and judgment, and a certificate in writing of such estimate and assessment, under the hands and seals of the said commissioners, or any three or more of them, being returned to the common council of the said city, and ratified by them, shall be binding and conclusive upon the owners of such houses and lots of ground so to be assessed respectively, and the sum or sums of money at which each such house and lot of ground shall be so assessed, shall become and be a charge upon such respective house and lot of ground, into whosesoever hands and possession the same shall at any time thereafter come or descend. And the owners of such houses and lots of ground respectively, at the time of such assessment, shall thereupon become and be liable and chargeable, and they are hereby required, upon demand, to pay to such person or persons as shall be authorized by the common council of the said city to receive the same, the sum at which each such house or lot of ground shall be so assessed, to be employed and applied for and towards filling and raising such respective lot of ground, and the street opposite thereto; and in default of payment thereof, or any part thereof, it shall and may be lawful to and for the Mayor, Recorder, and Aldermen of the said city, or any five of them, of whom the Mayor or Recorder always to be one, by warrant under their hands and seals, to cause the said sum and sums of money so assessed to be levied by distress and sale of the goods and chattels of the owner of such house or lot of ground so assessed, and refusing or neglecting to pay the same, rendering the overplus money, if any there be after deducting the sum assessed, and the charges of distress and sale, to such owner or owners respectively, or their legal representatives. And in case no sufficient goods or chattels of the owner of any such house or lot of ground can be found within the city and county of New-York, whereof the sum or sums of money so assessed thereon can be made and levied, or in case the owner of such house or lot of ground, so assessed, is unknown, or shall reside out of the said city of New-York, the said common council shall take order for advertising such lot of ground and the buildings thereon, if any there be, in two or more public newspapers printed in the said city, for thirteen weeks, at least twice in every week, in and by such advertisement, describing the same lot of ground, and requiring the owner or owners thereof respectively to pay the sum or sums of money at which such lot of ground shall be so assessed, to the treasurer or chamberlain of the said city, to defray the expence of the intended work; and that if default shall be made in such payment, such lot will be sold at public auction, at a day and place therein to be specified, in fee simple, to the highest bidder, to defray the expence aforesaid. And if, notwithstanding such notice, the owner or owners of any such lot of ground shall refuse or neglect to pay such assessment, with the charge of such advertisement, then it shall be lawful to and for the said common council to cause the said lot of ground, together with the buildings thereon, if any there be to be sold at public auction in fee simple, for the purposes and in the manner expressed in the said advertisement, and to give a declaration of such sale to the purchaser thereof, under the common seal of the said city; and such purchaser, his heirs or assigns, shall by virtue thereof, and of this act, hold and enjoy the same, for his and their own proper use, against all former owner or owners thereof, and all claiming under him or them; any law, usage, or custom to the contrary thereof notwithstanding.

Commissioners to make an estimate of the expence that will attend such filling up of said Meadows, and to assess the same among the proprietors, and before they execute the trust, to take an oath that they will execute the same faithfully.

Which estimate and assessment when confirmed by the corporation, shall be binding on the owners of lots and houses, and the sums assessed be a charge on such lots.

Provided always, That if after defraying the actual expence of conforming any lot of ground so to be sold, and the street in front thereof, to the regulations aforesaid, and deducting all reasonable charges attending the same, a surplus of the purchase money bidden or given therefor at such auction, shall remain in the hands of the Chamberlain or Treasurer of the said city, the same shall, on demand, be rendered to the owner or owners of such lot of ground respectively, or his, her or their legal representatives.

Proviso.

In default of payment of such assessments, the same to be levied by distress and sale.

What is to be done where no sufficient goods and chattels of the owner can be found, or where the owner is unknown.

And be it further enacted, That if upon the completion of such regulation, it shall appear to the common council that a greater sum of money hath been *bona fide* expended in making such regulation, than the sum mentioned in the estimate so made as aforesaid, and actually collected, it shall and may be lawful to and for the said common council to cause a further assessment to be made by the commissioners above named, or any three or more of them, of the sum which such *bona fide* expenditures shall exceed the sum so estimated and collected as aforesaid, upon and among the owners of all the houses and lots of ground before assessed as aforesaid, and to cause the same to be collected in the same manner, as herein before directed. *And further*, that in case the sum actually expended shall be less than the sum expressed in such estimate, and actually collected as aforesaid, the surplus shall be forthwith rendered to the respective persons from whom the same was so collected and received as aforesaid, or his, her or their legal representative.

If after the completion of said business, more is expended than the amount of the aforesaid assessment, common council may cause a further sum to be assessed.

And if the sum actually expended be less than the said assessment, the surplus shall be returned.

And be it further enacted, That it shall and may be lawful for the Mayor, Aldermen and Commonalty of the city of New-York, in common council convened, to lay out and continue Roosevelt-street, which now runs through part of the tract of land aforesaid, from

Corporation empowered to lay out and continue Roosevelt-street on a straight line to the East-River.

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Chatham-ſtreet to Cherry-ſtreet on a ſtreight line to the Eaſt-River, through the lots of ground on the ſoutherly ſide of Cherry-ſtreet aforeſaid, and of ſuch breadth as the common council ſhall think proper, not exceeding the preſent breadth thereof, on the northerly ſide of Cherry-ſtreet aforeſaid.

Proviſo.

Provided always, That before the laying out and continuing the ſaid ſtreet to the Eaſt-River as aforeſaid, the ſaid Mayor, Aldermen and Commonalty, ſhall, for that purpoſe, firſt have and obtain the conſent of the proprietor or proprietors, his, her or their legal repreſentatives, of ſuch houſes and lot or lots of ground, through which the ſaid ſtreet may paſs, on the ſouth ſide of Cherry-ſtreet aforeſaid.

The aforenamed commiſſioners to determine what part of the expenſe attending the opening of Rooſevelt-ſtreet, ſhall be borne by the common council, and what proportion ſhall be borne by individuals.

And be it further enacted, That it ſhall be the duty of the commiſſioners in this act above named, upon a full and equitable conſideration and eſtimate of all the circumſtances attending the ſame, to determine what part or proportion of all and every the ſums of money which ſhall be expended by the common council of the ſaid city, for opening and continuing Rooſevelt-ſtreet to the Eaſt-River as aforeſaid, ought to be borne and paid by the ſaid common council, in conſideration of the general convenience to the citizens of the ſaid city, occaſioned by opening and continuing that ſtreet as aforeſaid and what part or proportion thereof, ſpecifying the ſum, ought to be borne and paid by individual citizens, in the tract of land called the Meadows, and in Rooſevelt-ſtreet continued as aforeſaid, and in the vicinity thereof, whoſe eſtates have become advanced or increaſed in value by ſuch improvements, and that it ſhall alſo be the duty of the ſaid commiſſioners, to make a juſt and equitable aſſeſſment of the laſt mentioned ſum, among the owners of all the ſaid houſes and lots of ground, which ſhall appear to them to be benefited as aforeſaid, in proportion as nearly as may be to the advantage which each ſhall be deemed to have acquired reſpectively, and that they the ſaid commiſſioners, or any three or more of them, ſhall make a certificate in writing of ſuch aſſeſſment, under their hands and ſeals, and return the ſame to the common council of the ſaid city; which aſſeſſment ſhall be binding and concluſive upon the owners of ſuch houſes and lots of ground ſo to be aſſeſſed reſpectively, and the ſum or ſums of money, at which each ſuch houſe and lot of ground ſhall be ſo aſſeſſed, ſhall be deemed a debt due from the owner or owners thereof, his her or their lawful repreſentatives, to the Mayor, Aldermen and Commonalty of the ſaid city, and ſhall be payable to them within three months from the date of ſuch aſſeſſment, and ſhall moreover become and be a charge or lien, and prior incumbrance upon ſuch reſpective houſe and lot of ground, into whoſe hands or poſſeſſion ſoever the ſame ſhall then be, or at any time thereafter may come or deſcend; and the reſpective owners of ſuch houſes and lot or lots of ground reſpectively, at the time of ſuch aſſeſſment, ſhall thereupon become and be liable and chargable, and they are hereby required, to pay to the Treaſurer or Chamberlain of the ſaid city for the time being, who is hereby authorized to receive the ſame, to the uſe of the ſaid corporation, the ſum at which each ſuch houſe and lot or lots of ground ſhall be ſo aſſeſſed as aforeſaid, and in default of payment, the ſame ſhall and may be recovered at the ſuit of the ſaid Treaſurer or Chamberlain, in any court of record within this State, with intereſt at ſix per cent. to accrue after the ſaid three months from the date of ſuch aſſeſſment, with coſts of ſuit. And no ſuch action or ſuit ſhall be abated or diſcontinued by the death of the Treaſurer or Chamberlain of the ſaid city, or by his reſignation or removal from office; but ſhall and may be continued and proſecuted to effect, by his ſucceſſor in office.

And to make a juſt aſſeſſment of the laſt mentioned proportion amongſt ſuch individuals owning houſes or lots.

And the ſums ſo aſſeſſed ſhall be deemed a debt due to the corporation, and be conſidered as an incumbrance on ſuch houſes or lots.

And the owners thereof required to pay the ſame to the city-treaſurer.

And in default of payment, treaſurer to ſue for the ſame.

Common council to cauſe Frankfort-ſtreet to be continued to Queen ſtreet.

And be it further enacted, That it ſhall and may be lawful to and for the Mayor, Aldermen, and Commonalty of the city of New-York, in common council convened, to cauſe Frankfort ſtreet to be continued to Queen ſtreet, in the manner and under the reſtriction herein before provided reſpecting the continuance of Rooſevelt ſtreet; and the ſaid Mayor, Aldermen, and Commonalty, and the commiſſioners herein before named, ſhall have the like powers and authority, for the purpoſe of continuing Frankfort ſtreet as aforeſaid, and paying the expences thereof as are herein before given to them reſpectively for continuing Rooſevelt ſtreet.

CHAP. L.

An ACT *concerning the Partition of certain Lands deviſed by Robert Livingſton. Eſquire, deceaſed, to his Daughters.*

Paſſed the 6th of April, 1792.

Preamble, reciting that Robert Livingſton by his laſt will, directed his lands in the patent of Saratoga, to be equally divided between his three daughters, Mary Duane, Catherine Patterſon, & Alida Gardner.

WHEREAS James Duane and Mary his wife, John Patterſon and Catherine his wife, and Henry Livingſton, by their humble petition to the legiſlature, have repreſented, that their father, Robert Livingſton, late of the Manor of Livingſton, Eſquire, deceaſed, by his laſt will and teſtament, duly executed and dated the thirty firſt day of May one thouſand ſeven hundred and eighty four, did, amongſt other things, will, order and direct that his three daughters, the ſaid Mary Duane, Catherine Patterſon, and Alida Gardner, then the wife of Valentine Gardner, ſhould make a partition and diviſion of all his eſtate in the patent of Saraghtoga into three equal ſhares and parts, as near as might be, and by ballot or otherwiſe inveſt each of his daughters with one third part thereof; and the part ſo coming to the ſhare of the ſaid Alida, he deviſed to her for life, and the remainder to her child or children, his and their heirs and aſſigns forever; and deviſed to his ſaid daughters, Mary Duane and Catherine Patterſon, and to their heirs and aſſigns for ever, in ſeveralty, each one third part of his eſtate in the ſaid patent of Saraghtoga, agreeably to the balloting or diviſion to be made thereof as aforeſaid; that their father died in the month of November one thouſand ſeven hundred and ninety, leaving the ſaid

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will in full force; and that the ſaid Alida Gardner, together with Valentine Gardner her huſband, then reſiding in England, ſhortly afterwards conſtituted the ſaid Henry Livingſton to be their agent or attorney, with full power to take the charge and management of the eſtate, deviſed to her by the ſaid will; that all the petitioners thereupon joined in the neceſſary meaſures to accompliſh the partition aforeſaid, in the manner directed by the teſtator; and cauſed the lands to be ſurveyed and ſub-divided into farms or allotments, in order to render ſuch partition as fair and equal as poſſible; but the death of the ſaid Alida Gardner intervening in the month of September laſt, the further execution of the buſineſs was fruſtrated; that the ſaid Alida Gardner left iſſue, William Gardner, her only child, who is yet a minor and abſent; and that doubts have ariſen whether the two ſurviving daughters of the teſtator can by law execute the truſt repoſed by the ſaid teſtator in his three daughters reſpecting the ſaid partition; and therefore the petitioners conceiving that this is a caſe which calls for and will juſtify the interpoſition of the legiſlature, to enable them to carry into legal effect the intentions of the teſtator, humbly pray that a law may be paſſed, authoriſing the ſaid Mary Duane and Catherine Patterſon, in their own right, and the ſaid Henry Livingſton in truſt for the ſaid William Gardner, to make the ſaid partition and diviſion according to the true intent and meaning of the will of the teſtator; and this being a caſe in which legiſlative interpoſition will promote as well the intereſt of each of the parties concerned in the ſaid eſtate, as to carry the intention of the teſtator into effect, therefore in compliance with the prayer of the ſaid petition,

And that as the ſaid Alida Gardner is dead, and her only child is yet a minor, doubts have ariſen whether the ſurviving daughters can execute the truſt reſpecting the partition of ſaid lands.

Be it enacted *by the People of the State of New-York, repreſented in Senate and Aſſembly,* That the ſaid Henry Livingſton ſhall be, and he is hereby conſtituted and appointed a truſtee, in the place of the ſaid Alida Gardner, and in behalf of the ſaid William Gardner, for the ſpecial purpoſe of uniting with theſaid Mary Duane and Catherine Patterſon, in carrying into full effect the truſt repoſed by the will of the ſaid Robert Livingſton, in them the ſaid Mary, Catherine and Alida, reſpecting ſuch partition and diviſion of the eſtate, whereof the teſtator died ſeized in the ſaid tract or patent of Saraghtoga, in the proportions and manner, and for the uſes and purpoſes, and according to the true intent and meaning expreſſed and declared by the ſaid teſtator, in his ſaid laſt will and teſtament concerning the ſame. And that it ſhall be lawful for the ſaid Henry Livingſton, and he is hereby authorized and empowered in his own name, as truſtee, under this act, to join with the ſaid Mary Duane and Catherine Patterſon, or with them and their reſpective huſbands, as the caſe may require, in all acts and proceedings; and all deeds, agreements, and other inſtruments in writing which may be proper and neceſſary, for rendering ſuch partition and diviſion final and concluſive, according to the intention of the teſtator; and every thing to be done and executed by the ſaid Henry Livingſton, touching ſuch partition, in purſuance of this act, and according to the true intent and meaning of the teſtator, ſhall be as good and available in the law to all intents and purpoſes, as if the ſaid Alida Gardner in her life time, with or without her huſband, had been herſelf a party thereunto, and actually performed the ſame.

Henry Livingſton appointed a truſtee in the place of Alida Gardner, in behalf of her child, to carry into effect the partition of ſaid lands in the patent of Saraghtoga.

And to join with Mary Duane and Catherine Patterſon in all acts neceſſary for completing ſuch partition.

Provided always, that to give effect to ſuch partition, every proceeding therein ſhall be approved of in writing, by two or more of the juſtices of the ſupreme court of judicature of this State; and that the ſaid balloting ſhall be performed in their preſence, and under their direction; and that the truth of the ſurveys, field work and maps of the ſurveyor and ſurveyors entruſted to make the ſub-diviſion and allotments for the purpoſe of the ſaid partition, ſhall be proved by his or their oath to be adminiſtered by the ſaid juſtices or one of them.

Proviſo.

CHAP. LI.

An ACT *concerning Conveyances by Married Women.*

Paſſed the 6th of April. 1792.

Be it enacted *by the People of the State of New-York, repreſented in Senate and Aſſembly, and it is hereby enacted by the authority of the ſame,* That in all caſes when any married woman not reſiding in this State ſhall join with her huſband in the ſale of any meſſuages, lands, tenements, or hereditaments ſituated in this State, and ſhall join in and execute, ſeal and deliver the conveyance of ſuch meſſuages, lands, tenements, or hereditaments, every ſuch woman ſhall be thereby barred of and from all right and claim of dower in the meſſuages, lands, tenements, and hereditaments ſo conveyed.

Any married woman not reſiding in this ſtate, who ſhall join with her huſband in a deed for lands within this ſtate, ſhall be thereby barred of her dower in ſaid lands.

And be it further enacted by the authority aforeſaid, That all acknowledgments and proofs of deeds and conveyances of any lands, tenements, or hereditaments ſituated in this State, taken or made before any judge of the ſupreme court of the United States, ſhall be of the like validity and force as if the ſame was taken or made before a judge of the ſupreme court of this State.

Acknowledgments of deeds taken before a judge of the ſupreme court of the United States, declared to be valid.

CHAP. LII.

An ACT *for raiſing Money for building a Court-Houſe and Gaol in Waſhington County.*

Paſſed the 6th Day of April, 1792.

Be it enacted *by the People of the State of New-York, repreſented in Senate and Aſſembly,* That the ſuperviſors of the ſeveral towns, in the county of Waſhington for the time being, ſhall and they are hereby authorized to direct to be raiſed and levied on the freeholders and inhabitants of the ſaid county, a ſum not exceeding nine hundred pounds, for

Supervisor of Waſhington county to direct 900l. to be raiſed for buiding a court houſe.

building a court-house and gaol in the said county, with the additional sum of one shilling in the pound for collecting the same; which sum shall be raised, levied, and collected in like manner as the other contingent and necessary charges of the said county are levied and collected.

Said sum when to be raised and paid.

And be it further enacted, That the one half of the said sum of nine hundred pounds shall be collected and paid into the treasury of the said county, on or before the first Tuesday in November next, and the other half part thereof on or before the first Tuesday in November next following.

Supervisors to ascertain the quota of each town, and to appoint three commissioners to build the court-house.

And be it further enacted, That the supervisors of the said county of Washington, at their meeting on the last Tuesday in May next, shall determine on the quota which each respective town in the said county shall pay of the said sum so to be raised by virtue of this act, and then and there, together with the judges of the court of common pleas, by a majority, shall appoint three persons as commissioners, for the purpose of superintending the building of the said court-house and gaol.

Collectors to pay the money into the county treasury.

And be it further enacted, That the monies so to be raised by virtue of this act, shall be paid by the respective collectors of the several towns into the treasury of the said county.

Commissioners to contract with workmen, purchase materials, &c. and draw on the treasurer for money.

And be it further enacted, That the said commissioners or a major part of them so to be appointed, shall and may contract with workmen, and purchase materials for erecting the said court house and gaol, and shall from time to time draw upon the treasurer of the said county, for such sums of money for the purposes aforesaid, as shall come into the treasury by virtue of this act; and the treasurer is hereby required, out of the monies aforesaid, to pay to the order of the said commissioners, the several sums of money to be by them drawn for, and it is hereby made the duty of such commissioners so to be appointed, to account with the supervisors of the said county, for the monies which they shall have so received from the treasurer when thereunto required.

Court-house where to be built.

And be it further enacted, That the court house and gaol, to be built in pursuance of this act, shall be erected and built at such place, as the supervisors of the said county or a majority of them shall determine.

CHAP. LIII.

An ACT *to enable the Commissioners of the Land-Office, to direct letters patent to be granted to certain persons, for the quantities of Land therein mentioned.*

Passed the 9th day of April, 1792.

Preamble.

WHEREAS it is represented to the legislature, that sundry persons officers and privates of the regiments raised within this State, upon bounties of unappropriated lands have through some mistake, omitted to make their locations, within the time limited by law: Therefore

Commissioners of land office to grant bounty lands to certain officers and soldiers who were raised upon bounties of unappropriated lands, and who through mistake omitted to make their locations.

Be it enacted *by the People of the State of New-York, represented in Senate and Assembly*, That it shall and may be lawful for the commissioners of the land office, in case it shall appear to them upon examination, that any person or persons applying for bounty lands, was entitled to the same as aforesaid, to direct letters patent to be granted to him or them for the quantity of unappropriated land, which they were severally entitled to as bounty land, in virtue of any law of this State, for raising troops, on bounties of unappropriated lands, any law to the contrary thereof in any wise notwithstanding.

Proviso.

Provided always, That such application be made in writing, and delivered to the said commissioners, on or before the first day of October next.

And to grant 2000 acres to Ezekiel Scott.

And be it further enacted, That the commissioners of the land office be, and are hereby required, to grant letters patent to Ezekiel Scott, for two thousand acres of unappropriated lands of this State.

Reciting that James Shephard, a soldier in Col. Willett's regiment has assigned his bounty land to Mathew Watson.

And whereas, James Shepard, a soldier in Colonel Marinus Willet's regiment of levies, in the service of this State, in the late war, did assign his right of, in and to, the bounty land granted by this State to such levies, unto Matthew Watson, after which the said James Shepard deserted from the said service, and the said Matthew Watson procured at his own expence, John Dunlap as a substitute, to serve in the room of the said James Shepard, which substitute, did serve out his full term, and was legally discharged: Therefore

Commissioners to grant said land to Watson.

Be it further enacted, That it shall and may be lawful for the commissioners of the land office, to grant unto the said Matthew Watson, such a quantity of unappropriated land as a private soldier in the said levies was entitled to by law.

Reciting that Wheeler Douglass purchased several soldiers bounty lands, belonging to Willett's regiment.

And whereas it is represented to the legislature, that Wheeler Douglass, purchased of Thomas Havens, Cobus Tobacco, John Hambleton, Isaac Nimham, George Clow and George Rogers, soldiers in Colonel Marinus Willet's regiment of levies, their several rights, of, in and unto five hundred acres of bounty land, and that the said soldiers afterwards deserted from the service, and that the said Wheeler Douglass, did at his own expence, procure and deliver John Taylor, Jesse Gardner Matthew Bell, Peter Barret, Arthur Brayton and William Palmetier, as substitutes in the room and stead of the said soldiers, who had deserted, which substitutes did serve in the said levies, until they were duly discharged: Therefore

Commissioners to grant said soldiers lands to said Douglass.

Be it further enacted, That the commissioners of the land office are hereby authorized and required, to issue letters patent to the said Wheeler Douglass, for such quantity of unappropriated land of this State, as the said soldiers, privates in the said levies were entitled to by law.

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Provided, that letters patent have not been iſſued to the ſaid ſubſtitutes or any of them.

Proviſo.

And provided further, That the ſaid Wheeler Douglaſs ſhall prove to the ſatisfaction of the ſaid commiſſioners, that he has actually purchaſed from the perſons above named, the right of bounty lands, to which they were ſeverally entitled for their ſervices as aforeſaid.

Further proviſo.

Commiſſioners of the land-office directed to grant certain quantities of land to the phyſicians and ſurgeons of the late general hoſpital.

And be it further enacted, That it ſhall and may be lawful to and for the commiſſioners of the land office, and they are hereby directed, to cauſe to be granted to the phyſicians and ſurgeons of the late general hoſpital of the United States, who were in the ſervice of the United States, on or after the ſixteenth day of September, one thouſand ſeven hundred and ſeventy ſix, and who continued therein until they were deranged or diſmiſſed, and who at the time of entering the ſervice, were citizens of this State, the like proportion of unappropriated lands, according to their reſpective grades as have been granted by this State to the officers of the line of this State, ſerving in the line of the United States,

And to Edward Lounſberry the proportion of land to which a Captain is entitled.

And be it further enacted, That it ſhall and may be lawful, to and for the commiſſioners of the land office, and they are hereby directed, to cauſe to be granted to Edward Lounſberry, the like proportion of unappropriated land, as has been granted to a Captain of the line of this State, ſerving in the army of the United States.

CHAP. LIV.

An ACT *to enable certain perſon therein named, to purchaſe and hold real eſtates within this State.*

Paſſed the 9th of April, 1792.

John Cornelius Van den Heuvel and others empowered to purchaſe and hold real eſtates within this State, as fully as a natural born citizen can do.

BE it enacted *by the People of the State of New-York, repreſented in Senate and Aſſembly*, That it ſhall and may be lawful, for John Cornelius Van den Heuvel, Juſtina Henrietta Frederica his wife, Iſaac Gyſbert Hermen Van den Heuvel, Charlotte Geertruyda Van den Heuvel, Jacob Adriane Van den Heuvel, Magaretta Catharina Eleonora Van den Heuvel, and Juſtine Jeane Henrietta Van den Heuvel, their children, Alexander Ellice, William M'Carty, Jan Boers, Rogier Gerard Van Polanen, John Lincklaen, Gerrit Boon, Claude Ambroiſe Dugaſt, Henry Marin Auguſtus Duboſg, Thomas H. Brantingham, Walter Dowdall Barnaby Coffie, James Coriſh, John Vaght, John Thomſon, John Althouſe, John Joſeph da Silva, Henry Bethune Stark, John Maunſel, Joſeph Whelan, Thomas Mounſey, Mary Duffy Joze Roiz Silva, James Phyn, Thomas Brown of Belfaſt, and Anthony Latour, to take and hold by purchaſe or deſcent, lands, tenements and hereditaments within this State, to have and to hold the ſame to them, and to their reſpective heirs and aſſigns for ever, as fully to all intents and purpoſes, as any natural born citizen, may or can do, any law, uſage or cuſtum, to the contrary notwithſtanding.

And lands heretofore purchaſed by ſuch perſons, not to eſcheat to the State.

And be it further enacted, That no lands, tenements or hereditaments in this State, heretofore purchaſed by any of the perſons herein before named, ſhall eſcheat to the people of this State, by reaſon or on account of ſuch perſons then being alien; but all ſuch lands, tenements and hereditaments, ſhall veſt in ſuch purchaſer in the ſame manner as if ſuch purchaſer had been naturalized at the time of ſuch purchaſe, any law to the contrary notwithſtanding.

CHAP. LV.

An ACT *for building a Court-Houſe and Gaol, in the County of Ontario.*

Paſſed the 9th of April, 1792.

Supervisors of Ontario county to direct 600l. to be raiſed for building a court-houſe and gaol.

BE it enacted *by the People of the State of New-York, repreſented in Senate and Aſſembly*, That the Supervisors of the ſeveral towns in the county of Ontario, for the time being, or a majority of them, ſhall be, and they are hereby authorized to direct to be raiſed and levied on the freeholders and inhabitants of the ſaid county, the ſum of ſix hundred pounds, for building a court-houſe and gaol in the ſaid county, with the additional ſum of one ſhilling in the pound, for collecting the ſame; which ſaid ſums ſhall be raiſed at ſuch times, levied and collected in the ſame manner as the other neceſſary and contingent charges of the county are levied and collected.

Supervisors and judges to appoint three commiſſioners to build the ſame, in the town of Canadaqua.

And be it further enacted, That it ſhall be lawful for the Supervisors and Judges of the court of common pleas in the ſaid county, or a majority of them to appoint three commiſſioners to ſuperintend the building the court-houſe and gaol aforeſaid, which ſaid court-houſe and gaol ſhall be erected in the town of Canadaqua, on ſuch plan as the ſaid commiſſioners, or a major part of them, ſo to be appointed, ſhall judge beſt: And the ſaid commiſſioners or a majority part of them, may contract with workmen, and purchaſe materials for erecting the ſaid court-houſe and gaol, and ſhall from time to time draw upon the Treaſurer of the ſaid county, for ſuch ſums of money for the purpoſes aforeſaid, as ſhall come into the treaſury by virtue of this act: And the Treaſurer is hereby required, out of the monies aforeſaid, to pay to the order of the ſaid commiſſioners, the ſeveral ſums of money to be by them drawn for. And it is hereby made the duty of ſuch commiſſioners ſo to be appointed, to account with the Supervisors of the ſaid county, for the monies which they ſhall have received from the treaſury when thereunto required.

Said commiſſioners to contract with workmen, purchaſe materials, and draw on the treaſurer of the county for money.

Treaſurer to retain three pence in the pound for receiving the money.

And be it further enacted, That it ſhall and may be lawful for the Treaſurer of the ſaid county to retain in his hands the ſum of three pence in the pound for his trouble in receiving and paying out the monies directed to be raiſed by this act.

Seventh ſection of an act for erecting Ontario into a ſeparate county, repealed.

And be it further enacted, That the ſeventh ſection of the act entitled "An act to erect part of the county of Montgomery into a ſeparate county by the name of Ontario," be and hereby is repealed, ſo far as reſpects the Juſtices of the ſupreme court holding circuit courts in the county of Ontario.

CHAP. LVI.

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An ACT *for the payment of the salaries of certain Officers of Government and other contingent expences.*

Passed the 9th of April, 1792.

BE it enacted *by the People of the State of New-York, represented in Senate and Assembly*, That there shall be allowed and paid to Simeon De Witt, Surveyor-General of this State, for his services in that office, from the first day of May last, to the first day of May next, the sum of four hundred pounds; and from and after the said last mentioned day, to the first day of July next he shall be allowed and paid for his services in the said office, after the rate of the said sum, for such length of time as it may be; and the Treasurer is hereby authorized to pay the said respective sums, the former on or before the first day of May next, and the latter as soon as may be after the first day of July next.

400l. to be paid to Simeon De Witt, for his salary as surveyor general.

Provided nevertheless, That the said Simeon De Witt shall account with the Auditor, and pay into the treasury all the fees which he may have received as Surveyor-General, during the time abovesaid, and which have not already been accounted for and paid.

Provided he accounts for fees received by him.

And be it further enacted, That there shall be allowed and paid to Nicholas Fish, Adjutant-General of the militia of the State, for his services in that office, from the thirteenth day of April last, to the thirteenth day of April in the present year, the sum of three hundred and fifty pounds, and from and after the said last mentioned day to the first day of July next, he shall be allowed and paid for his services in the said office, after the rate of the said sum, for such length of time as it may be; and the Treasurer is hereby authorized to pay the said respective sums, the former on or before the thirteenth day of April next, and the latter as soon as may be, after the first day of July next.

350l. to be paid to Nicholas Fish, adjutant general of the militia, for his salary.

Treasurer when to pay said sums.

And be it further enacted, That the Treasurer shall pay to James Farlie, Clerk of the courts of Oyer and Terminer and General Gaol delivery, for his services in that station, from the first day of July last to the first day of July next, the sum of three hundred pounds. And to Sebastian Bauman, Commissary of military stores, for his services in that station, from and after the respective days last mentioned, the sum of forty pounds.

Treasurer to pay to James Fairlie, of the court of oyer and terminer, 300l.

To Sebastian Bauman 40l. as commissary of military stores.

And be it further enacted, That the Treasurer shall pay to Francis Childs, for his services as Printer to the State, from the eleventh day of January last to the first day of July next, after the rate of one hundred pounds per annum; and shall pay the further sum of twenty-five pounds for his extra services during the present session, and for his services to be performed in virtue of the act for loaning monies belonging to this State," and for paper to be furnished by him for that purpose, such sum as shall be certified to be due to him by the Auditor of this State.

To Francis Childs, State Printer 100l. as his salary, and 25l. for extra services.

And for certain other services such sums as the auditor shall certify to be due to him.

And be it further enacted, That the Treasurer shall pay to such gentlemen of the clergy for attending the legislature as Chaplains, during the present session, the sum of sixteen shillings each, for every day of their attendance for that purpose, and the certificates of their attendance, and the sums due to them respectively, shall be certified by the President of the Senate and the Speaker of the Assembly in like manner as for members of the legislature.

To the clergy who attend the legislature as chaplains, each 16s. per day.

And be it further enacted, That the Treasurer shall pay to the Secretary of the State, the sum of fifty pounds in lieu of all fees for military commissions, which may have been or shall be issued from his office, between the first Tuesday of January last and the first day of July next, and which have not already been paid for by the persons for whom they may have been issued.

To the secretary of the State 50l. for certain military commissions issued by him.

And be it further enacted, That the Treasurer of the State pay to Richard Varick, Gerard Bancker and John Watts, commissioners for building the government house the sum of seventy-six pounds eight shillings, being the amount of certain accounts remaining due to sundry tradesmen and mechanics, for work done in and upon the said house, and a further sum not exceeding six hundred pounds for painting and compleating the said house.

To the commissioners for building the government house, two different sums.

And be it further enacted, That the Treasurer shall pay to each member of the joint committee of the Senate and Assembly who attended to canvas the ballots taken at the last election for Senators and for a member to represent this State in the House of Representatives of the Congress of the United States for every day they attended for that purpose, the like compensation as is or shall be allowed to the members of the legislature for their services in the present sessions.

To the commissioners for canvassing the ballots taken at the last election, a certain compensation.

And be it further enacted, That the Treasurer shall pay to Peter T. Curtenius, the Auditor of this State, the sum of fourteen pounds nineteen shillings and two pence, for his expences in going to and returning from Philadelphia, to explain the accounts of this State, against the United States pursuant to a concurrent resolution of both houses of the legislature at their last session.

To Peter T. Curtenius 14l. being the amount of his expences to Philadelphia.

And be it further enacted, That the Treasurer pay to George Gosman, the sum of one hundred and eighteen pounds and ten pence, in full for extra work by him done in building the office of Secretary of this State.

To George Gosman 118l. 0s 10d. for extra work in building the secretary's office.

And be it further enacted, That the treasurer shall pay to David Barclay, sergeant at arms to this house, the sum of eleven pounds ten shillings and two pence, being the amount of monies advanced by him for the expences of John Howard, a person employed by the said David Barclay, to go into the county of Herkeimer, in obedience to an order of the committee of privileges and elections.

To David Barclay 11l. 10s 2d. for certain monies advanced by him.

And be it further enacted, That the treasurer shall pay to Elihu Chancy Goodrich, or his order, the sum of eight hundred and twenty six pounds fourteen shillings and ten pence, to be by him appropriated in discharging the expences incurred in securing the prisoners late-

To Elihu Chancey Goodrich 826l. 14s. 10d. to discharge certain expences for securing certain prisoners in Columbia gaol.

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ly confined in the gaol of the county of Columbia, and charged with the murder of Cornelius Hogeboom, Eſquire, and that he charge the ſame to the ſaid Elihu Chancy Goodrich, who ſhall account with the auditor for the expenditure thereof, within ſix months after the receipt thereof; and upon producing a certificate from the ſaid auditor to the ſaid treaſurer, of his having duly executed the truſt repoſed in him, he ſhall receive a credit on the books of the ſaid treaſurer, for the amount of the ſum expended in the diſcharge of the expences aforeſaid.

Monies directed to be paid by this act, how to be paid.

And be it further enacted, That all ſums of money directed to be paid by this act, and which will become due on or before the firſt day of July next, ſhall be payable out of any monies which may be or may come into the treaſury, and all ſuch ſums as by virtue of this act will become due from and after the ſaid day, ſhall be paid out of the like monies as the ſalaries of the other officers of government, not provided for in this act, ſhall by law be directed to be paid.

CHAP. LVII.

An ACT *for the relief of Suſannah Small and Jane Croſſet.*

Paſſed the 9th of April, 1792.

Preamble, reciting that Jacob Small a captain, and James Croſſet, a ſoldier, were ſlain in battle.

WHEREAS it hath been repreſented to the legiſlature, that Jacob Small a Captain in the militia, and James Croſſet a ſoldier in the levies, raiſed for the defence of the frontiers of this State, were reſpectively ſlain in battle, with the enemies of the United States; and that Suſannah Small and Jane Croſſet, the widows of the ſaid Jacob and James, have not intermarried with any perſon ſince the deceaſe of their ſaid huſbands reſpectively: Therefore

Treaſurer to pay their widows certain ſums, being the amount of ſeven years half pay.

Be it enacted *by the People of the State of New-York, repreſented in Senate and Aſſembly*, That the treaſurer of this State, be, and he is hereby empowered and directed, to pay to the ſaid Suſannah Small and Jane Croſſet, as follows, to the ſaid Suſannah, the ſum of ſix hundred and twenty two pounds, being the amount of ſeven years half pay of a Captain in the militia of this State; and to the ſaid Jane, the ſum of one hundred and twelve pounds, being the amount of ſeven years half pay of a private ſoldier in the levies aforeſaid.

CHAP. LVIII.

An ACT *concerning the arrears of Taxes and the payment of Audited Accounts, and for other purpoſes.*

Paſſed the 9th of April, 1792.

No intereſt to be allowed on certain certificates to be paid for taxes, after a certain day.

Be it enacted *by the People of the State of New-York, repreſented in Senate and Aſſembly, and it is hereby enacted by the authority of the ſame*, That no intereſt which ſhall have ariſen after the eighth day of March, in the year one thouſand ſeven hundred and ninety one, ſhall be computed or allowed on any certificate, given for debts due from perſons whoſe eſtates have been forfeited or confiſcated, which may be paid on account of any tax, or on account of the arrears of any tax or taxes whatſoever.

Fifth ſection of an act for auditing certain accounts, repealed.

And be it further enacted by the authority aforeſaid, That the fifth ſection of the act entitled "An act authorizing the auditor to audit certain accounts and claims, and for other purpoſes therein mentioned," ſhall be, and hereby is repealed. And the treaſurer is hereby directed to pay all ſuch audited accounts, as ſhall be preſented to him for payment, out of any monies in the treaſury not otherwiſe appropriated, inſtead of giving certificates for the amount thereof.

And treaſurer to pay ſuch audited accounts in money inſtead of certificates.

Reciting that the treaſurer in purſuance of a certain act hath ſubſcribed to the loan propoſed by Congreſs, and hath received certificates therefor.

And whereas the treaſurer of this State, in purſuance of an act of the legiſlature, entitled "An act for the relief of the creditors of this State," hath ſubſcribed to the loan propoſed by the Congreſs of the United States, by their act entitled "An act making proviſion for the debt of the United States," all the continental paper then in the treaſury of this State, and received certificates for the amount thereof, according to the ſaid act of Congreſs, which certificates, except ſuch as the ſaid treaſurer has exchanged according to the directions of the ſaid act, entitled "An act for the relief of the creditors of this State," as well as the certificates for ſtock transferred to the ſaid treaſurer for the uſe of this State, by the creditors of this State, upon the ſaid exchanges, now remain in the treaſury of this State: Therefore

Which certificates now remain in the treaſury.

Treaſurer directed to depoſit ſaid certificates, and all others which he may receive for ſtock belonging to the ſtate, in the Bank of New-York, with power to the directors to receive the intereſt thereon, and pay it to the treaſurer.

Be it further enacted *by the authority aforeſaid*, That it ſhall be lawful for the ſaid treaſurer, and he is hereby directed to depoſite all the ſaid certificates now in the treaſury, except ſuch as it may be neceſſary for him to keep to exchange according to the direction of the ſaid act, entitled "An act for the relief of the creditors of this State," and all ſuch other certificates for ſtock belonging to this State, as he may from time to time receive in the Bank of New-York, with a power of attorney from him to the Preſident Directors and Company of the Bank of New-York, to receive the intereſt thereon as the ſame may become due, for the uſe of this State, and to pay the ſaid intereſt to the ſaid treaſurer on demand, and the ſaid treaſurer ſhall take receipts for all ſuch certificates ſo to be depoſited in the Bank, expreſſing that the ſame certificates are the property of this State, and are depoſited in the Bank for the uſe of this State; and that the Preſident Directors and Company of the Bank of New-York, will from time to time receive the intereſt thereon as the ſame ſhall become due, and pay the ſame to the treaſurer of this State, for the uſe of this State, without any charge whatever to this State, or to the ſaid treaſurer.

Treaſurer to take receipts for all ſtock ſo depoſited.

CHAP. LIX.

A. D. 1792.
Ind. *U. S.* XVI.

An ACT *for dividing the several Towns therein mentioned.*

Passed the 10*th of April*, 1792.

BE it enacted *by the People of the State of New-York, represented in Senate and Assembly*, That all that part of the town of Cherry-Valley, lying east of the line to be drawn beginning at the south west corner of a tract of land formerly granted to John Lyne, and running from thence in a direct course to the house where Joshua Tucker now resides; from thence in a direct course to the eastermost line of the second allotment of a tract of land known by the name of Belvidere patent, from thence to a certain hill, known by the name of Grovers hill, then south to the town of Harpersfield; thence along the north bounds of Harpersfield, and the north boundaries of the counties of Albany and Montgomery, to the place of beginning, shall be, and is hereby erected into a town by the name of *Dorlach*, and that the first town meeting shall be held at the house of William Beekman, Esquire, in the said town.

A certain part of the town of Cherry Valley erected into a town by the name of *Dorlach*.

And be it further enacted, That all that part of the town of Harpersfield, lying south of a line to be drawn, beginning at the south easterly bank of the river Susquehannah, from thence running a south easterly course to the north west corner of a tract of land formerly granted to Henry White and others, thence running on the north east line of White's-Borough, until it comes to the Cachquago branch of the river Delaware, thence down the said river to the line of property, thence along the said line of property until it comes to the river Susquehannah, opposite to the river Unadilla, thence up the said river Susquehannah, to the place of beginning, shall be and hereby is erected into a town by the name of *Franklin*, and that the first town meeting shall be held at the house of Sluman Wattles, Esquire, in the said town.

A certain part of the town of Harpersfield, erected into a town by the name of *Franklin*.

And be it further enacted, That all that part of the town of Otsego contained in the following bounds, to wit, beginning at the Susquehannah river, where the patent granted to John Christopher Hartwick begins, and runs from thence along the south bounds thereof, and the south bounds of a tract of land granted to George Croghan, and the same continued to the Unadilla river, thence down the same, and up the Susquehannah to the place of beginning, is hereby erected into a separate town by the name of *Unadilla*, and the first town meeting in the said town shall be held at the house now occupied by Eastwood Allen in the said town.

A certain part of the town of Otsego, erected into a town by the name of *Unadilla*.

And be it further enacted, That all that part of the town of Otsego, contained in the following bounds, to wit, beginning at the south east corner of John Christopher Hartwick's patent, thence along the west bounds thereof, and the same line continued until it strikes lake Canaderaga, thence up the lake to the county of Herkemer, thence east by the county of Herkemer to the town of Cherry Valley, thence southawardly by the town of Cherry Valley, to the town of Unadilla, thence by the town now called Otsego to the place of beginning, is hereby erected into a separate town by the name of *Otsego*, and that the first town meeting, in the said town, shall be held at the court-house of the county.

A certain other part of the town of Otsego, to be erected into a town by the name of *Otsego*.

And be it further enacted, That all that part of the town of Otsego contained in the following bounds; beginning at the south east corner of John Christopher Hartwick's patent, and runs thence westwardly by the town of Unadilla, to the Unadilla river, thence up the river to the farm of Captain Edmiston, thence by the south boundaries of Schuyler patent, and the same continued to the west line of Otsego, thence southerly by the same to the place of beginning, is hereby erected into a separate town, by the name of *Burlington*, and that the first town meeting in the said town shall be held at the house of John Johnston.

A certain other part of the town of Otsego, erected into a town by the name of *Burlington*.

And be it further enacted, That the remainder of the town of Otsego is hereby erected into a separate town by the name of *Richfield*, and that the first town meeting of the said town be held at the house now occupied by John Van Cliff.

And the remainder of Otsego erected into a town by the name of *Richfield*.

And be it further enacted, that all that part of White's-Town in Herkemer county, bounded as follows, to wit, beginning at the mouth of the Nine Mile creek, and running thence north easterly, to the north east corner of Holland's patent, thence northerly along the east bounds of a tract of land granted to Baron de Steuben, to the north east corner thereof, thence a due north course to the north bounds of this State; and from the said place of beginning at the mouth of the said creek, due west to the line of the Oneida reservation, thence north westerly along the same to Fish creek, thence due north to the north bounds of this State, is hereby erected into a separate town, by the name of *Steuben*, and that the first town meeting in the said town shall be held at the house of Seth Ranney, near Fort Stanwix.

A certain part of White's Town in Herkemer county, erected into a town by the name of *Steuben*.

And be it further enacted, That all that part of White's-Town contained within the following bounds, viz. beginning at the said line of the Oneida reservation, where the line of the last mentioned town crosses the same, running thence southerly and westerly along the said reservation line, until it comes opposite to the south westerly corner of a tract of land granted to Abraham Wemple, thence along the southerly line of the said last mentioned tract to the old line of property, thence northerly at right angles with the said line of property, until it meets the Oriscany creek, thence down the said creek to the south bounds of the Oriscany patent, thence north westerly parallel to the old line of property, to Steuben town, be erected into a separate town, by the name of *Westmoreland*, and that the first town meeting in Westmoreland be held at the house of James Deane in the said town.

A certain other part of White's Town erected into a town by the name of *Westmoreland*.

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A certain other part of White's Town erected into a town by the name of *Paris*.

And be it further enacted, That all that part of White's-Town contained within the following bounds, viz. beginning at a bridge called Stillman's bridge, on the Oriſcany creek, thence running ſouth eaſterly to the dwelling-houſe of Joſeph Fairwell, being on lot number eighty in the ſeventh diviſion of Cox's patent, not including the ſaid houſe; thence ſoutherly in a direct line until it meets the road called the New Hartford road, where the ſaid road croſſes a creek a few rods weſterly from the dwelling-houſe of Samuel Wells, thence ſoutherly on a direct line to the ſouth weſt corner of lot number ſeven in the eleventh diviſion of Cox's patent aforeſaid, thence a due eaſt courſe to the line of German Flatts town, thence ſouth along the ſame to the line of Tioga county, thence weſt by the line of Tioga county, to the weſt line of the twenty townſhips lately ſold by the State, thence north to the line of the Oneida reſervation, thence along the ſaid laſt mentioned line, to the town of Weſtmoreland aforeſaid, thence north eaſterly along the line of the laſt mentioned town to the place of beginning, be erected into a ſeparate town by the name of *Paris*; and that the firſt town meeting in Paris town ſhall be held at the dwelling-houſe of Moſes Foot, Eſquire.

A certain other part of White's Town erected into a town by the name of *Mexico*.

And be it further enacted, That all that part of White's-Town aforeſaid, bounded eaſt by the eaſt bounds of the Military Tract (ſo called) and a line drawn north from the mouth of Conniſſerago creek, acroſs the Oneida lake to lake Ontario, ſouth by Tioga county, weſt by the weſt bounds of the townſhips Homer, Tully, Marcellus Camillus, Lyſander, and Hannibal of the ſaid Military Tract, and north by lake Ontario, be erected into a ſeparate town, by the name of *Mexico*, and that the firſt town meeting in the ſaid town of Mexico, ſhall be held at the houſe of Benjamin Moorehouſe. And, that all that part of White's-Town aforeſaid, bounded eaſt by the town of Mexico, ſouth by Tioga county, weſt by Ontario county, and north by lake Ontario, be erected into a ſeparate town, by the name of *Peru*, and that the firſt town-meeting in the ſaid town of Peru, ſhall be held at the dwelling houſe of Seth Phelps, Eſquire. That all the remaining part of the ſaid town of White's-Town, be, and remain a town by the name of White's-Town, and that the firſt town-meeting in the ſaid town, be held at the dwelling houſe of Jedediah Sanger, Eſquire.

A certain other part of White's Town erected into a town by the name of *Peru*.

And the reſidue of White's Town to retain its preſent name.

A certain part of Herkemer town erected into a town by the name of *Norway*.

And be it further enacted, That all that part of Herkemer Town, bounded as follows, to wit: Beginning on the middle line in Glen's purchaſe, on the diviſion line of Montgomery and Herkemer counties, running thence weſterly along the ſaid middle line of Glen's purchaſe, to the ſouth weſt corner of lot number ſeven, thence northwardly to the north eaſt corner of lot number five in the ſaid purchaſe, from thence weſterly along the line between lot number five, and lot number ſix, in a direct courſe to the Weſt Canada creek, thence up the ſaid creek, to the firſt great falls thereof, thence on a direct line to the ſouth-eaſt corner of a tract of land granted to Baron de Steuben, thence northerly along the eaſt bounds of the ſaid tract of land to the north-eaſt corner thereof, and thence northerly to the north bounds of this State, thence along the ſaid north bounds of the State, to the north-weſt corner of the county of Clinton, thence along the north-weſterly lines of the counties of Clinton, Waſhington, and Montgomery, to the place of beginning, ſhall be formed into a ſeparate town, and known by the name of *Norway*; and that the firſt town-meeting ſhall be held at the houſe of William Whipple, in the ſaid town. And that all that part of the ſaid town of Herkemer, beginning on the little falls in the Weſt Canada creek, and running thence ſoutherly on a direct line to the north-eaſt corner of a tract of land, called Coſſe's patent, thence along the eaſtern line of the ſaid laſt mentioned tract of land, to the river Mohawk, thence up the ſaid river to the Nine Mile creek, thence north-eaſterly with a direct line to the north-eaſt corner of a tract of land granted to the Baron de Steuben, thence on a direct line to the great falls in the Weſt Canada creek, thence down the ſaid creek to the place of beginning, ſhall be formed into a ſeparate town, by the name of *Schuyler*; and the firſt town-meeting ſhall be held at the houſe of George Weber, junior, in the ſaid town. And all the remainder of the ſaid town of Herkemer, ſhall be and remain a town by the name of Herkemer, and the firſt town-meeting in Herkemer town, ſhall be held at the houſe of Joſeph Myers, in the ſaid town.

A certain other part of Herkemer Town erected into a town by the name of *Schuyler*.

South

And the remainder of Herkemer Town to retain its preſent name.

A certain part of the town of Chemung erected into a town by the name of *Newtown*.

And be it further enacted, That the town of Chemung in Tioga County ſhall be and is hereby erected into two ſeparate towns, in the following manner, viz. all that part of the town of Chemung lying eaſt of the pre-emption line and weſt of a line drawn north and ſouth from the middle of the bridge that croſſes Balding's Mill creek, to the north and ſouth lines of Tioga county ſhall be one ſeparate town by the name of *New-Town*, and that the firſt town-meeting ſhall be held at the houſe of Dunn and Hornel, in the ſaid town.

And the remainder of Chemung town to retain its preſent name.

And be it further enacted, That all the remaining part of the town of Chemung, lying eaſt of New-Town, and weſt of the town of Owego, ſhall be one ſeparate town, by the name of *Chemung*, and that the firſt town-meeting in Chemung ſhall be held at the houſe of William Wynkoop.

A certain part of the town of Queenſbury in Waſhington county, erected into a town by the name of *Fairfield*.

And be it further enacted, That all that part of the town of Queenſbury, in the county of Waſhington, beginning at the ſouth-weſt corner of the lands granted by the ancient letters patent of the ſaid town, and running thence north along the weſt line of the lands granted by the ſaid letters patent, and continuing a north line until it interſects a weſt line from Fort George at the ſouth end of Lake George, thence weſt on the laſt mentioned line to the River Hudſon, then down along the ſame to the place of beginning ſhall be and hereby is erected into a diſtinct and ſeparate town, by the name of *Fairfield*; and that the firſt town-meeting in Fairfield, ſhall be held at the dwelling houſe of Silas Dibble. And that all that part of Queenſbury, beginning at

a creek called M'Auly's creek, near the south end of lake George, and running thence on a direct line to the north-east corner of Fairfield, thence west along the north line thereof to the river Hudson, thence along the north bounds of Saratoga county, to the east line of Herkemer county, thence along the East line of Herkemer county to Clinton county, thence east along the south line of Clinton county, to lake George, thence southerly along the west banks of the said lake, to the place of beginning, shall be and is hereby erected into a separate town, by the name of *Thurman*; and that the first town-meeting shall be held at the dwelling house of Richard Thurman, in the said town. And that the remaining part of the town of Queensbury, be, and remain the town of Queensbury; and that the first town-meeting in Queensbury, shall be held at the house where the last town-meeting was held, in the said town.

A certain other part of Queensbury erected into a town by the name of *Thurman*.

And the remainder of the town of Queensbury to retain its present name.

And be it further enacted, That all that part of Middletown, in Ulster county, south by a line beginning in the middle of the river Delaware, or the division line between the great lots number thirty-seven, and number thirty-eight, in the Hardenburgh patent, and running on the said line south-easterly to the north-west corner of a tract of land belonging to Jacob Tremper, then along his bounds southerly to Paghkataghkan Kill, thence the same course continued, to the division line between the great lots number five and number six, in the said Hardenburgh patent, thence south-easterly along the said last mentioned line, to the bounds of the town of Rochester, shall be and is hereby erected into a separate town, by the name of *Colchester*; and the first town meeting in Colchester, shall be held at the dwelling house of Lazarus Sprague.—And that all the remaining part of Middletown, north of the said before described lines, shall be and remain a separate town, by the name of *Middletown*, and that the first town-meeting in Middletown, shall be held at the house of Simeon Van Wagenen.

A certain part of Middletown, in Ulster county, erected into a town by the name of *Colchester*.

And the remainder of Middletown to retain its present name.

And be it further enacted, That all that part of the town of Woodstock in the county of Ulster, bounded west by the west bounds of the county of Ulster, south by the north bounds of Middletown, east by a line to begin on the said north bounds of Middletown, two miles east of Papachton River, and running northerly to a monument number seventeen, at the head of the said Papachton river, and thence continuing the same course northerly, until it meets the line of Albany county, and thence northerly along Albany county, shall be erected into a separate town, by the name of *Stamford*; and that the first town-meeting in Stamford, shall be held at the house of Peter Knapp. And that all the remaining part of the said town of Woodstock, shall be, and remain a separate town, by the name of *Woodstock*; and the first town meeting in Woodstock, shall be held at the house of the late Elias Hasbrouck, deceased.

A certain part of the town of Woodstock, in Ulster county, erected into a town by the name of *Stamford*.

And the remainder of Woodstock to retain its present name.

And be it further enacted, That all that part of the town of Rensselaerwyck, which lies north of a line to be drawn from a point on the east bank of the river Hudson, eight miles distant from the south-west corner of the town of Rensselaerwyck, and running from thence east, to the west bounds of Stephen town, shall be, and is hereby erected into a separate town, by the name of *Greenbush*; and that the first town-meeting in Greenbush, shall be held at the dwelling house of Abraham M. De Foreest, in the said town. And that all the remaining part of the town of Rensselaerwyck, shall be and remain a separate town, by the name of *Rensselaerwyck*; and that the first town meeting in Rensselaerwyck, shall be held at the dwelling house of John I. Miller, in the said town.

A certain part of the town of Rensselaerwyck, erected into a town by the name of *Greenbush*

And the remainder of the town of Rensselaerwyck to retain its present name.

And be it further enacted, That all the towns herein before mentioned to be divided, shall be considered as divided from and after the first Monday in April next, and that the freeholders and inhabitants of the said towns respectively, shall be and hereby are empowered to hold town meetings and elect such town officers, as the freeholders and inhabitants of the other towns of this State elect by a law, entitled "An act for dividing the counties of this State into towns," passed 7th March, 1788; and that the town officers to be by them elected, shall have the like powers and privileges, as the freeholders and inhabitants and town officers of any other town in this State, may exercise by the law aforesaid.

All the aforesaid towns to be considered as divided after a certain day, and to have the like powers and privileges as other towns in this state.

And be it further enacted, That as soon as may be after the first Tuesday of April next, the supervisors and overseers of the poor of the towns aforesaid, shall by notice to be given for that purpose, by the supervisors of the towns aforesaid, meet together and apportion the poor maintained by the said towns, previous to the division thereof, between the said former towns and the towns erected by this act into separate towns, in an equitable manner; and if the supervisors and overseers of the poor cannot agree upon such division of the poor as aforesaid, then and in such case, the supervisors of the counties in which such towns shall severally be, shall at their next meeting apportion and divide the poor maintained as aforesaid, in such manner as shall appear to them most just and equitable; and the said towns shall thereafter respectively maintain their own poor.

Poor of the aforesaid towns how to be apportioned.

CHAP. LX.

An ACT *for laying out, repairing and improving certain public Roads and Highways, within this State.* *Passed the 10th of April*, 1792.

BE it enacted *by the People of the State of New-York, represented in Senate and Assembly*, That for erecting and constructing the bridges and improving the roads or highways herein after specified, in the western district of this State, William North, Silas Talbot and Theodorus V. W. Graham, or any two of them, shall be and they are hereby appointed a board of commissioners. That Peter Van Ness, John Williams and John Knickerbacker, junior, or any two of them, shall be, and they are hereby appointed a board of commissioners for the like purposes in the eastern district of this State. That Isaac Van Wyck, James

Certain persons in each of the great districts of this state appointed commissioners for erecting certain bridges and improving certain roads herein after described.

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Clinton and Seth Mervin, or any two of them, ſhall be, and they are hereby appointed a board of commiſſioners for the like purpoſes in the middle diſtrict of this State. That Philip Van Cortlandt, Ebenezer Stephens and Ebenezer Purdy, or any two of them, ſhall be, and they are hereby appointed a board of commiſſioners for the like purpoſes, in the ſouthern diſtrict of this State.

Bridges to be built and roads to be made by contract if poſſible.

And be it further enacted, That the bridges to be erected and conſtructed, and the roads to be improved under the care and inſpection of the ſaid boards of commiſſioners reſpectively, in the diſtricts for which they are reſpectively appointed, ſhall be erected, conſtructed and improved, by contract, in every caſe where contracts can be made, and where no contracts can be made, in ſuch manner as to the ſaid ſeveral boards of commiſſioners ſhall appear moſt eligible, and beſt calculated to promote the public intereſt. That the piers of every bridge herein after particularly ſpecified to be erected and conſtructed purſuant to this act, ſhall be made of ſtone maſonry, and ſhall be covered with timber or plank, of at leaſt four inches thick, with a ſtrong rail work on each ſide thereof; and that the roads herein after particularly ſpecified to be improved, ſhall have the beds thereof filled with ſtones arch wiſe (where ſtones can be obtained) and covered with gravel or pebbles, to the thickneſs of eighteen inches at leaſt, and with a ditch of ſufficient breadth and depth on each ſide, to carry off water, with water courſes under the road where needful, to drain the water out of the ditches; and every ſuch improved road, ſhall be at leaſt twenty-five feet wide, from the inſide of one ditch, to the inſide of the other ditch.

Bridges in what manner to be made, and roads, in what manner to be improved.

Recital.

And whereas ſome of the bridges to be erected, and roads to be improved in each of the ſaid diſtricts, are more immediately neceſſary than others: Therefore,

Commiſſioners to have diſcretion to build ſuch bridges and make ſuch roads in the order they may think proper.

Be it further enacted, That the ſaid boards of commiſſioners, in the diſtricts for which they are reſpectively appointed, ſhall erect ſuch of the ſaid bridges, and improve ſuch of the roads as are herein after ſpecified, as to a majority of them ſhall appear will be moſt immediately neceſſary, and tend moſt to promote the object of this act, and then proceed to the others until the ſeveral ſums of money appropriated for the purpoſes aforeſaid, in each diſtrict, ſhall be expended.

Commiſſioners, before they enter on their duties, to take a certain oath.

That each of the ſaid commiſſioners, before he enters on the duties by this act enjoined on him, take and ſubſcribe an oath before the chancellor, or one of the judges of the ſupreme court, or one of the judges of the court of common pleas, in any county where ſuch oath ſhall be made, which oath ſhall be in the words following. "I do "ſolemnly and ſincerely promiſe and ſwear, that I will in all things to the beſt of my "knowledge and underſtanding, well and faithfully execute the truſt repoſed in me, by "the act entitled, "An act for laying out, repairing, and improving certain public roads "and highways within this State," and that I will not out of favor or partiality, to any perſon "or perſons, give my vote for firſt erecting any particular bridge, or for improving any particular road, other than ſuch as I ſhall honeſtly and ſincerely deem ought to be firſt attended to."

Form of the oath.

Bridges to be built and roads to be made in the weſtern diſtrict particularly pointed out

And be it further enacted, That the particular bridges to be erected and conſtructed, and the particular roads or parts of roads to be improved under the direction of the ſaid boards of commiſſioners reſpectively, ſhall be as follows, to wit: In the weſtern diſtrict, a bridge over the Schoharie creek, at any place they may think moſt adviſeable between the north bounds of the farm now occupied by Oliver Hills, and the north bounds of the farm now occupied by Degroot, in the town of Duaneſburgh; the improving and repairing the public road or highway, leading from the city of Albany, to begin at the houſe of Iſaac Truax, junior, and continue through Duaneſburgh to Cherry Valley, and from thence to the outlet of Lake Otſego, in the county of Otſego; the building and erecting a bridge over the Mowhawk river, below the Cahoes or Great Falls on the ſaid river, at ſuch place as the ſaid commiſſioners ſhall deem proper.

Proviſo, no more than three thouſand pounds to be appropriated for the bridge over the Mohawk River below the Great Falls.

Provided always, That no greater ſum than three thouſand pounds ſhall by the ſaid commiſſioners be appropriated to the ſaid bridge, nor ſhall the ſaid commiſſioners contract for, or otherwiſe attempt to erect and conſtruct the ſaid bridge, until they ſhall by ſubſcription, or other voluntary donation, have received the further ſum of one thouſand pounds; the improving and repairing the public road or highway, on the north ſide of the Mohawk river, leading from the ferry at the town of Schenectady, in the county of Albany, to the ſummit of Tripes Hill, in the county of Montgomery; the building and erecting a bridge over the Eaſt Canada creek, nearly oppoſite Canajoxharie Caſtle, on the public road or highway leading from Tripes Hill aforeſaid, to the Little Falls in the county of Montgomery; the building and erecting a bridge over the Weſt Canada creek, on the public road or highway leading from the Little falls aforeſaid, to Fort Stanwix; the improving and repairing the public road or highway from the ſouth bounds of the city of Albany to the north bounds of the county of Ulſter; and erecting bridges over the creeks on the ſaid road; to build and erect a bridge over the Owego creek, near the mill belonging to James M'Maſter, in the town of Union, in Tioga county: to erect and build a bridge over the Schoharie creek, at ſuch place as they ſhall think adviſeable, between the houſe of Aſa Waterman, in Mohawk town, and the firſt falls in the ſaid creek, for building and erecting a bridge over Catts Kill, on the road leading from Catts Kill landing to the Schoharie Kill; to lay open and improve the road from the ninety mile ſtone to the painted poſt in the county of Ontario, and from thence to continue the ſame to the eaſt line of the county of Ontario; and erecting a bridge over the Saccondaga Branch, near the river Hudſon. *In the Eaſtern Diſtrict*, the building and erecting a bridge on the public road or highway over Kenderhook creek, in the town of Kender-

hook, in the county of Columbia; the erecting of a bridge acroſs Batten Kill, in Waſhington county, at or near the dwelling-houſe of Stanton Tift in Eaſton, and laying out and repairing the road leading from the ſaid bridge to the eaſt part of Argyle and to Salem, ſo as to avoid the hill commonly called Campbell's Hill; the building and erecting a bridge over the Schompamack creek, in the town of Claverack, near the now dwelling-houſe of Henry Muller; to build and repair the bridges in the road, and repair the road from Jeremiah Landon's ſtore, in the eaſtern bounds of Stephen Town, in the county of Renſſelaer, to Schodock at the river Hudſon; to repair the public road and bridges between the houſe of Jacob Overacker and the bridge known by the name of Chace's bridge, in the county of Renſſelaer; to erect a bridge over Tomhenick creek, at or near the place where the old bridge now ſtands, on the public road leading through the lands of Joſeph Kline, in the county of Renſſelaer; to repair the cauſeway at and near the ſaid bridge; to amend and repair the ſaid public road, leading from the ſaid bridge, to the bridge over Hoſick river, at Sanchoyk; to repair the bridges and road leading from the white houſe at Hoſick river, in the town of Hoſick to Troy, between the ſaid white houſe and Ellice's tavern, in Pitts Town, in the county of Renſſelaer; for erecting bridges and laying out and repairing roads in the county of Clinton, from the north end of Lake George to the north line of this State; the building a bridge over Hoſick river, near the houſe of Martin Buſkirks, in the town of Cambridge, in the county of Waſhington, and repairing the roads and bridges leading from the houſe of Joſeph Caldwell, in Kingſbury, to the ſouth end of Lake Champlain; a bridge over the Schamkamack creek, near the houſe of James Van Renſſelaer. *In the Middle Diſtrict*, to lay out and improve the poſt road from the ſouth bounds of the county of Dutcheſs, as far north as the ſouth bounds of the town of Fiſhkill, to make ſuch alterations in the direction thereof as the ſaid commiſſioners, or a majority of them, ſhall deem for the benefit of the public; to erect a bridge on the poſt road or highway, neareſt Hudſon's river, over Wappinger's creek, in the county of Dutcheſs, at ſuch place as they ſhall judge beſt; and they are hereby authorized and impowered to make ſuch alterations in the poſt road, on each ſide of the ſaid bridge, as may become neceſſary, if the ſaid bridge ſhall be fixed at any other place than where the bridge over ſaid creek at preſent ſtands; to erect a bridge over the Ramapough creek, in ſome convenient place, at or near where the road leading from the houſe of Stephen Slott (in Orange county) towards New Windſor, croſſes the ſaid creek; to improve and repair the public road or highway in the county of Orange, leading from the houſe of John Suffern, at the mouth of the Ramapough clove by Sterling furnace, and acroſs the mountains to the mill at Belle Vale, in the town of Warwick; to build and erect a bridge over the Schoharie creek, near the houſe of Jonas Laraway, in the town of Woodſtock, in the county of Ulſter, on the public road that leads from the river Hudſon to the Suſquehannah; to open a public road or highway from Caſhehton, on the Delaware river, to Mama-Kating, or Peenpack in Ulſter county, or to ſuch other place, between theſe two laſt mentioned ſettlements, as the ſaid commiſſioners may think proper, and moſt for the public good; to improve and repair the road or highway leading from the houſe of Henry Reynolds in Smith's Clove, along, by, or near the dwelling-houſe of Archibald Cunningham, in the ſaid Smith's Clove, in the county of Orange, to the dwelling-houſe of Thomas Cooper, at the Indian Fields in the ſaid county. *In the Southern Diſtrict*, to lay out and improve the poſt road from Kingſbridge through the county of Weſtcheſter, as far north as the ſouth bounds of the county of Dutcheſs, and to erect a bridge over Croton river, in the ſaid county of Weſtcheſter, at ſuch place as the ſaid commiſſioners ſhall deem proper; the building, erecting, and keeping in repair a bridge over Spyt den Duyvel creek, at or near Kings bridge, at ſuch place as the commiſſioners ſhall think proper, and the repairing the poſt roads on the iſland of New-York, Long Iſland and Staten Iſland.

Bridges to be built and roads to be made in the eaſtern diſtrict particularly pointed out;

Bridges to be built and roads to be made in the middle diſtrict particularly pointed out.

Bridges to be built and roads to be made in the ſouthern diſtrict particularly pointed out

And be it further enacted, That it ſhall and may be lawful for the treaſurer of this State, to pay unto the ſeveral boards of commiſſioners herein before appointed, on the warrant of his Excellency the Governor, or the perſon adminiſtering the government of this State for the time being, the ſeveral ſums of money following, to wit: To the commiſſioners for the weſtern diſtrict, the ſum of nine thouſand four hundred and fifty pounds. To the commiſſioners of the eaſtern diſtrict, the ſum of two thouſand ſix hundred and fifty pounds. To the commiſſioners for the middle diſtrict, the ſum of four thouſand two hundred and fifty pounds, and to the commiſſioners for the ſouthern diſtrict, the ſum of three thouſand ſix hundred and fifty pounds.

Treaſurer on a warrant from the Governor to pay the commiſſioners for the ſeveral diſtricts, the ſums of money herein mentioned.

Provided always, That after the delivery of ſuch warrants, the treaſurer ſhall from time to time, pay ſuch of the ſaid monies, as the boards of commiſſioners ſhall reſpectively draw for, but no ſuch payments ſhall be made until all the appropriations made at this ſeſſion, ſhall be previouſly ſatisfied.

Proviſo.

And be it further enacted, That the ſeveral boards of commiſſioners herein before appointed ſhall in every caſe where an alteration ſhall be made, or become neceſſary to be made, to carry the intent of this act into effect, in the direction of any public road or highway, be governed by and purſue the directions of the act entitled "An act for the better laying out and keeping in repair the public highways and private roads, in the county of Weſtcheſter," as far as relates to the breadth of ſuch public road, or highway, and the compenſation to be made to individuals whoſe eſtates may be affected thereby.

Commiſſioners, how to govern themſelves where an alteration is to be made in the direction of any public road

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Commissioners allowance for their services.

And be it further enacted, That each of the said commissioners shall be entitled to receive for their services, the sum of sixteen shillings for every day they shall be respectively employed in the said business, to be paid by the county in which they shall be so employed, and to be raised, levied and paid, together with, and in the same manner as the necessary and contingent charges of such county, are raised levied and paid; and that the said commissioners shall account with the auditor of this State, for the monies they shall respectively receive, from the treasurer of this State by virtue of this act.

Treasurer to pay Edward Paine 200l. for opening a certain road.

And be it further enacted, That the treasurer of this State be, and he is hereby directed to pay to Edward Paine, for his trouble and expence in opening a road from the head of the lake Cayuga, to the mouth of the Owego branch of the river Susqehannah, the sum of two hundred and thirty pounds.

CHAP. LXI.

An ACT *to incorporate the Stockholders of the Bank of Albany.*

Passed the 10th of April, 1792.

Preamble, reciting that the bank of Albany have prayed to be incorporated.

WHEREAS Abraham Ten Broeck and others, associated in a company, under the stile of "The President Directors and Company of the Bank of Albany," by their petition presented to the legislature, have prayed for the privilege of being incorporated. Therefore

Said bank incorporated until the second Tuesday in May, 1811, by the stile of the President, Directors and Company of the Bank of Albany.

Be it enacted *by the people of the State of New-York represented in Senate and Assembly*, That all such persons as now are or hereafter shall be stockholders of the said Bank, shall be, and hereby are ordained constituted and declared to be, and continue until the second Tuesday in May, which will be in the year of our Lord, one thousand eight hundred and eleven, a body corporate and politic, in fact and in name, by the name of "The President Directors and Company of the Bank of Albany," and that by that name, they and their successors until that day, shall and may have continual succession, and shall be persons in law, capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts and places whatsoever, in all manner of actions, suits, complaints, matters and causes whatsoever; and that they and their successors may have a common seal, and may change and alter the same at their pleasure, and also that they and their successors by the same name of "The President Directors and Company of the Bank of Albany," shall be in law capable of purchasing, holding and conveying any estate, real or personal, for the use of the said corporation.

And by that name to have succession, to sue and be sued, &c.

And to hold real or personal estate.

Each share to consist of 400 dollars, and the amount of such shares not to exceed in number six hundred, exclusive of what the state may subscribe.

Subscriptions, how to be received, and the whole amount of property not to exceed 260,000 dollars.

And be it further enacted, That a share in the stock of the said Bank shall be four hundred Spanish milled dollars, or the equivalent thereof in specie; and the number of shares, exclusive of any share that may be subscribed on the part of the State, shall not at any time exceed six hundred; and subscriptions may be kept open, under the direction of the president and directors of the said Bank, until the said number of shares be filled; and the whole amount of the stock, estate and property which the said corporation shall hold, including the capital stock or shares above mentioned, shall never exceed in value two hundred and sixty thousand dollars.

Stock and property of the bank to be managed by thirteen directors annually chosen.

And notices to be given 60 days previous to their election. Manner of holding such elections.

And be it further enacted, That the stock, property and concerns of the said corporation, shall be managed and conducted by thirteen directors, stockholders and citizens of this State, who shall hold their offices for one year, nine of whom shall be residents of the city of Albany, and the said thirteen directors, shall be elected on the second Tuesday of May in every year, at such time of the day, and at such place in the city of Albany, as a majority of the directors for the time being shall appoint; and public notice shall be given by the said directors, not less than sixty days previous to the time of holding the said election; and the said election shall be held and made by such of the stockholders of the said Bank, as shall attend for that purpose, in their proper persons, or by proxy; and all elections for directors shall be by ballot, and the thirteen persons who shall have the greatest number of votes at any election, shall be the directors (except as is herein after directed) and if it should happen at any election, that two or more persons have an equal number of votes, in such manner that a greater number of persons than thirteen shall by plurality of votes appear to be chosen as directors, then the said stockholders herein before authorized to vote at such election, shall proceed to ballot a second time, and by plurality of votes determine, which of the said persons so having an equal number of votes, shall be the director or directors, so as to compleat the whole number of thirteen; and the said directors, as soon as may be after their election, shall proceed in like manner to elect by ballot one of their number to be their President; and three of the directors which shall be chosen in any year, excepting the President, shall be ineligible to the office of director for one year after the expiration of the time for which they shall be chosen directors; and in case a greater number than nine of the directors exclusive of the President who served for the last year, shall appear to be elected, then the election of all such person or persons above the said number, having a less number of votes than the said nine persons so elected as aforesaid, shall be considered as void, and such other of the stockholders as shall be eligible, and have the next greatest number of votes, shall be considered as elected in the room of such last described person or persons, and who are hereby declared ineligible as aforesaid: And the President for the time being, shall always be eligible to the office of Director; but stockholders not residing within the city of Albany aforesaid, shall be ineligible to the office of President: And if any of the said nine Directors, to be resident in the city of Albany aforesaid, shall remove out of the said city, or any other of the said Directors shall remove out of this State, the office of such Director shall be considered as vacant: And if any vacancy or vacancies shall at any time happen among the Directors, by death, resignation, or removal, such vacancy or vacancies shall be filled for the remainder of the year in which they may happen, by a special election for that purpose, to

Directors when elected, to elect a president, and three of the directors to go out of office every year.

Vacancies of directors, how to be filled.

be held in the same manner as is herein before directed, respecting annual elections, at such time and place in the city of Albany as the remainder of the Directors for the time being, or the major part of them shall appoint: And the first Directors shall be Philip Schuyler, Abraham Ten Broeck, Stephen Van Rensselaer, Goldsbrow Banyar, Stephen Lush, Jeremiah Van Rensselaer, Cornelius Glen, Daniel Hale, James Caldwell, John Stevenson, John Maley, Albert Pawling, and John Sanders, and shall hold their offices until the second Tuesday of May next.

The first directors named, and to hold their offices until a certain day.

And be it further enacted, That in case it should at any time happen, that an election of directors should not be made on any day, when pursuant to this act it ought to have been made, the said corporation shall not for that cause be deemed to be dissolved, but that it shall and may be lawful on any other day, to hold and make an election of directors, in such manner as shall have been regulated by the laws and ordinances of the said corporation.

Corporation not to be dissolved for want of an election on the appointed day, but the election may be held on another day.

And be it further enacted, That each stockholder at elections, and on all other questions, shall be entitled to the number of votes proportioned to the number of shares which he or she shall have held in his or her name, according to the following ratio, that is to say: one vote for every share not exceeding four, five votes for six shares, six votes for eight shares, and one vote for every five *votes* above ten; but no person co-partnership or body politic, shall be entitled to more than fifteen votes; and no stockholder, unless actually resident within the United States, shall vote at elections or on any other occasion by proxy.

How the number of votes are to be apportioned among the stockholders.

And be it further enacted, That it shall be the duty of the directors, to make a dividend of so much of the profits of the said Bank, as to them or a majority of them shall seem adviseable, on the second Tuesday of May, one thousand seven hundred and ninety three, and thereafter to make half yearly dividends, of so much of the profits of the said Bank, as to them or a majority of them shall seem adviseable.

Directors to make half yearly dividends of the profits of the bank.

And be it further enacted, That a general meeting of the stockholders may be called, whenever the directors or a majority of them, or a number of stockholders, not less than twenty, who together shall hold not less than one hundred shares, shall judge proper; of which meeting the directors or stockholders calling it, shall give at least four weeks notice in one of the public Gazettes printed in the city of Albany, and specify in such notice, the object or objects of the said meeting.

General meetings of stockholders how to be called.

And be it further enacted, That this State shall have a right to subscribe any number of shares to the said Bank, not exceeding in the whole the number of fifty, at any time when they shall by law authorize any person or persons for that purpose; and the State shall have a right to increase the number of shares and stock which the said corporation may hold, to the amount of the number of shares so to be subscribed, if the number of shares herein before limited, shall be subscribed, before such subscription shall take place on the part of the State.

State entitled to subscribe fifty shares whenever they shall think proper.

And be it further enacted, That every cashier and clerk, before he enters into the duties of his office, shall give bond, with two or more securities, to the satisfaction of the directors, such cashier in a sum not less than ten thousand dollars, and each clerk in a sum not less than two thousand dollars, with condition for the faithful discharge of his duty.

Cashier and clerks before they enter on the duties of their office to give bonds.

And be it further enacted, That the said corporation shall not demand any greater interest on any loan or discount than at the rate of six per centum per annum.

Corporation to demand no more than at the rate of six per cent. for any discounts.

And be it further enacted, That no President or other director shall be entitled to any emolument for their services, and that seven directors shall constitute a board for the transaction of business, of whom the president shall be one, except in case of sickness or absence, in which case the directors present may choose a chairman *pro hac vice*. And that there shall be quarterly meetings of the said directors, at such times in the year as shall be appointed by the bye laws of the said corporation.

President and directors entitled to no emoluments for their services, seven directors to constitute a board.

And directors to hold quarterly meetings.

And be it further enacted, That the directors shall have power to make and prescribe such bye laws, rules and regulations, as they shall judge proper, touching the duties and conduct of the officers and servants employed therein, and such other matters as appertain to the said Bank; and shall have also power to appoint so many officers, clerks and servants for carrying on the said business, and with such salaries and allowances as to them shall seem meet.

Directors empowered to make bye laws and to appoint their officers, &c.

And be it further enacted, That the total amount of the debts which the said corporation shall at any time owe by bond, bill, note or other contract, over and above the specie then actually in the bank, shall not exceed three times the sum of the capital stock subscribed and actually paid into the bank; and in case of such excess, the directors under whose administration it shall happen, shall, in case of loss, be liable for the same, in their natural and private capacities; but this shall not be construed to exempt the said corporation, or any estate real or personal which they may hold as a body corporate, from being also liable for and chargeable with the said excess; but such of the said directors, who may have been absent when the said excess was contracted, or may have dissented from the resolution or act whereby the same was so contracted, may respectively exonerate themselves from being liable, by giving immediate notice of the fact, and of their absence or dissent, to the stockholders at a general meeting, to be called for that purpose.

Company never to contract debts to more than three times the amount of their capital stock actually paid into the bank.

If they do they shall be answerable for the same in their private capacities.

And be it further enacted, That the lands, tenements and hereditaments, which it shall be lawful for the said corporation to hold, shall be only such as shall be requisite for its accommodation in relation to the convenient transaction of its business, or such as have been *bona fide* mortgaged to it, by way of security, or conveyed to it in satisfaction of debts previously contracted in the course of its dealings, or purchased at sales upon judgments,

Corporation to hold no real estate but such as is necessary for its accommodation or as they may have obtained for debts due to them.

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which ſhall have been obtained for ſuch debts. And the ſaid corporation ſhall not directly or indirectly deal or trade, in buying or ſelling any goods, wares, merchandizes or commodities whatſoever, or in buying or ſelling any ſtock, created under any act of the United States, or of any particular State, unleſs in ſelling the ſame when truly pledged to it by way of ſecurity, for debts due to the ſaid corporation.

No transfer of ſtock valid, unleſs made as herein directed.

And be it further enacted, That no transfer of Stock ſhall be valid or effectual until ſuch transfer ſhall be entered or regiſtered in a book or books, to be kept for that purpoſe, by the Directors, and unleſs the perſon making the ſame ſhall previouſly diſcharge all debts due by him or her to the ſaid corporation.

Bills or notes under the ſeal of the corporation, aſſignable by indorſement.

And be it further enacted, That the bills obligatory and of credit, under the ſeal of the ſaid corporation, which ſhall be made to any perſon or perſons, ſhall be aſſignable by indorſement thereon, and ſo as abſolutely to transfer and veſt the property thereof in each and every aſſignee or aſſignees ſucceſſively, and to enable ſuch aſſignee or aſſignees to bring and maintain an action thereupon, in his, her, or their own name or names; and bills or notes which may be iſſued by the ſaid corporation, ſigned by the Preſident and counterſigned by the caſhier, promiſing the payment of money to any perſon or perſons, his, her or their order, or to the bearer, though not under the ſeal of the ſaid corporation, ſhall be binding and obligatory upon the ſame, in like manner, and with the like force and effect, as upon any private perſon or perſons, if iſſued by him, her or them, in his, her or their private or natural capacity or capacities, and ſhall be aſſignable and negotiable in like manner as if they were ſo iſſued by ſuch private perſon or perſons.

And notes iſſued by ſaid corporation, not under their ſeal, to be binding and obligatory, as if iſſued by a private perſon.

And be it further enacted, That this preſent act of incorporation ſhall in no wiſe be forfeited for any *non uſer* whatſoever, at any time before the ſecond Tueſday of June next, and that it ſhall on that day be lawful for the ſtockholders of the ſaid bank to aſſemble for the purpoſe of carrying the ſame into effect, any want of notice in the manner above preſcribed to the contrary notwithſtanding.

This act of incorporation not to be forfeited for any *non uſer* whatſoever, before a certain day.

And be it further enacted, That this act be, and is hereby declared to be a public act, and that the ſame ſhall be conſtrued in all courts and places benignly and favourably for any beneficial purpoſe thereby intended.

This act declared to be a public act.

CHAP. LXII.

An ACT *to prevent the pernicious Practice of Stock-Jobbing, and for regulating Sales at Public Auction.*

Paſſed the 10th of April, 1792.

Council of Appointment to appoint any number of vendue maſters for the city of New York not exceeding 24.

BE it enacted *by the People of the State of New-York, repreſented in Senate and Aſſembly*, That it ſhall and may be lawful for the perſon adminiſtering the government of this State, for the time being, by and with the advice and conſent of the Council of Appointpointment, to appoint ſuch and ſo many vendue maſters or auctioneers, in and for the city of New-York as they ſhall judge neceſſary: *Provided*, that their number ſhall not at any one time exceed twenty four, any thing in any law to the contrary notwithſtanding.

No kind of public ſecurities or ſtock to be ſold at vendue after a certain day, under a penalty.

And be it further enacted, That it ſhall not be lawful for any perſon or perſons whomſoever to ſell and diſpoſe of any public ſecurities or ſtock, created under the acts of Congreſs of the United States, or of any individual State, at public vendue or outcry, within the State of New-York, from and after the firſt day of May next, under the penalty of one hundred pounds for each offence, to be recovered by any proſecutor, or by the attorney general in the manner herein after directed.

All contracts or wagers concerning ſtock of any kind declared void.

And be it further enacted, That all contracts, written or verbal, public or private, made after the paſſing of this act, for the ſale or transfer, and all wagers concerning the prices, preſent or future, of any certificate or evidence of debt, due by or from the United States, or any ſeparate State, or any ſhare or ſhares of the ſtock of the Bank of the United States, or any other Bank, or any ſhare or ſhares of the ſtock of any company eſtabliſhed or to be eſtabliſhed, by law of the United States or any ſeparate State, ſhall be, and all ſuch contracts are hereby declared to be abſolutely null, void, and of no effect: And both parties are hereby diſcharged from the lien and obligation of ſuch contract or wager, unleſs the party contracting to ſell and transfer the ſame ſhall, at the time of making ſuch contract, be in the actual poſſeſſion of the certificate, or other evidence of ſuch debt or debts, ſhare or ſhares, or be otherwiſe entitled in his own right, or duly authorized and impowered, by ſome perſons ſo entitled to transfer the ſaid certificate, evidence, debt or debts, ſhare or ſhares, ſo to be contracted for; and the party or parties who may have paid any premium, differences or ſums of money, in purſuance of any contract hereby declared to be void, ſhall and may recover all ſuch ſums of money, together with damages and coſts, by action on the caſe on aſſumpſit, for money had and received to the uſe of the plaintiff, to be brought in any court of record.

Unleſs the party contractin to ſell ſhall hold the ſtock at the time of the contract either in his own right, or by power of attorney.

Any perſon who may have paid any differences on ſuch contracts may recover back the ſame.

No auctioneer on the day of public ſales to ſell at private ſale, any goods liable to duty; under a certain penalty.

And be it further enacted, that no licenced vendue maſter or vendue maſters, auctioneer or auctioneers, or any other perſon or perſons whatſoever, ſhall on the day and place when they ſhall reſpectively hold their public vendues, ſell or diſpoſe of at private ſale, any goods, wares, or merchandizes liable to a duty by the laws of this State, under the like penalty for every ſuch offence, as is mentioned in the thirteenth ſection of the act entitled, "An act for the regulation of ſales by public auction," paſſed the twentieth of February one thouſand ſeven hundred and eighty four, to be recovered by any perſon or perſons who ſhall proſecute for the ſame, the one half thereof, when ſo recovered, to be paid to the treaſurer for the uſe of the people of this State, and the other half to the uſe of the perſon or perſons who ſhall ſue for the ſame.

And be it further enacted, That no perſon hereafter ſhall expoſe to ſale at public out-cry or vendue, any goods, wares, merchandize, or effects on which a duty is laid by the act entitled "An act to amend an act entitled an act for the regulation of ſales by public auction," as a deputy to any licenced auctioneer or vendue maſter, or otherwiſe, under the penalty of one hundred pounds for each offence, to be recovered by any perſon ſuing for ſuch forfeiture, by bill, plaint, or information, in any court having cognizance of the ſame, the one moiety of ſuch penalty, to be for the uſe of the people of this State, and the other moiety to the perſon who ſhall ſue for the ſame.

No perſon to ſell any goods at auction liable to a duty, as a deputy or otherwiſe to a licenced auctioneer, under a certain penalty.

Provided always, That any vendue maſter may employ his co-partner in trade, or one of his clerks, to hold ſuch vendue, in caſe of his ſickneſs or inability to attend, he being accountable for the conduct of ſuch co-partner or clerk.

Proviſo.

And be it further enacted, That if no perſon or perſons ſhall within ſeven days after any offence ſhall be committed againſt this or any other act, regulating ſales at public auction within this State, proſecute for the penalties therein mentioned, it ſhall be lawful for the Attorney-General to proſecute for the ſame, which penalties, when recovered, ſhall be paid to the Treaſurer, to and for the uſe of the people of this State.

If any offence is committed againſt this act, attorney-general to ſue for the penalty, if not ſued for by ſome other perſon within ſeven days.

CHAP. LXIII.

An ACT *for the ſupport of Government.*

Paſſed the 11th day of April, 1792.

BE it enacted *by the People of the State of New-York, repreſented in Senate and Aſſembly*, That from and after the firſt day of July next, there ſhall be allowed to the ſeveral officers of government hereafter mentioned the following annual ſalaries

The following yearly ſalaries to be paid and allowed to the officers of government, after the firſt of July next.

To the perſon adminiſtering the government of this State for the being, the ſum of fifteen hundred pounds.

To the governor, 1500l.

To the Chancellor the ſum of eight hundred pounds.

To the chancellor, 800l.

To the Chief Juſtice the ſum of eight hundred pounds, and

To chief juſtice, 800l.

To each of the other Judges of the ſupreme court the ſum of ſeven hundred and fifty pounds: But this proviſion ſhall not be conſtrued to extend to any Judges of the ſaid court, that may be appointed after their number ſhall amount to five.

To each of the judges, 750l.

To the Treaſurer, the ſum of eight hundred pounds.

To the treaſurer, 800l.

To the Secretary, for attending the legiſlature for the purpoſe of receiving the laws, for attending the council of appointment, and in lieu of all the fees for iſſuing commiſſions to officers of the militia, the ſum of one hundred and fifty pounds.

To the Secretary of the ſtate, for receiving laws, attending council of appointment, and iſſuing military commiſſions, 150l.

To the Attorney-General the ſum of eight hundred pounds.

To attorney general, 800l.

To the private Secretary of the perſon adminiſtering the government of this State for the time being, the ſum of one hundred and twenty-five pounds.

To the governor's private ſecretary, 125l.

And the ſaid annual ſums herein before ſpecified, ſhall from and after the firſt day of July next, be payable in equal quarterly payments at the treaſury; and the firſt quarterly payment ſhall become due on the firſt day of October, and the ſecond quarterly payment on the firſt day of January, and the third quarterly payment on the firſt day of April, and the fourth quarterly payment on the firſt day of July in every year; and the ſaid ſeveral ſums ſhall be computed as becoming due to the ſaid ſeveral officers, in proportion to the times for which they ſhall hold their reſpective offices.

Said annual ſums to be payable in quarterly payments.

And the Treaſurer is hereby authorized to pay the ſaid annual ſums in quarterly payments at the treaſury as aforeſaid, to the ſeveral perſons who may at any time hereafter hold any of the ſaid reſpective offices, upon the receipt of a certificate ſigned by the perſon andminiſtering the government of this State for the time being, and under the privy ſeal of the State, certifying, that at the time when the laſt quarterly payment became due, the perſon in whoſe favor the certificate may be given, held the office for which he may demand a compenſation, and that therefore he is entitled to ſuch compenſation, by virtue of this act: And if any ſuch certificate ſhall contain all or any number of the perſons names, who may hold the ſaid offices, it ſhall be conſidered by the Treaſurer as a ſufficient voucher for the payment of the ſaid annual ſums as aforeſaid, to the ſeveral perſons in whoſe favor it may be given; and if any perſon or perſons ſhall ceaſe to hold any of the ſaid offices, at any time between the times above preſcribed for quarterly payments, ſuch certificate or certificates ſhall ſpecify the time when he or they may have reſpectively ceaſed to hold any of the ſaid offices: But no ſuch certificate ſhall be neceſſary, for the perſon adminiſtering the government of this State for the time being, but the Treaſurer ſhall pay into his hands in quarterly payments, ſuch ſums as ſhall become due to him as aforeſaid, without any ſuch certificate; and may in like manner without any ſuch certificate, retain in his own hands ſuch quarterly payments as ſhall become due to himſelf by virtue of this act.

And to be paid by the treaſurer on the producing a certain certificate from the governor,

And be it further enacted, That from and after the firſt day of July next, it ſhall not be lawful for the Chancellor, or the Judges of the ſupreme court, or any or either of them, to aſk, demand or receive, by virtue of the act entitled, "An act for regulating the fees of the ſeveral officers and miniſters of juſtice within this State, or by virtue of any law or cuſtom of this State, any fees or perquiſites, for any thing to be done by them, or any or either of them, in virtue of their offices; the ſalaries herein before allowed to them, being intended as a full compenſation for their ſervices, in their reſpective offices.

Chancellor and judges to receive no fees after a certain day.

And be it further enacted, That on the firſt day of July next, the ſaid officers ſhall each of them be allowed and paid for their reſpective ſervices, during the preſent year, the follow-

Salaries to the aforeſaid officers for the preſent year.

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ing ſalaries, that is to ſay; the perſon adminiſtering the government, the ſum of one thouſand five hundred pounds; the Chancellor the ſum of ſix hundred pounds; each of the Judges of the ſupreme court, the ſum of ſix hundred pounds; the Treaſurer the ſum of eight hundred pounds; the Attorney-General, the ſum of ſix hundred pounds; the Secretary for attending the legiſlature for the purpoſe of receiving the laws, and for attending the council of appointment, the ſum of one hundred pounds, and the private Secretary of the perſon adminiſtering the government of this State for the time being, the ſum of one hundred and twenty-five pounds; which ſalaries the Treaſurer is hereby authorized to pay, upon the receipt of a certificate or certificates of the like purport, and with the like exception, of the names of the perſon adminiſtering the government of this State for the time being, and the Treaſurer, and ſigned and ſealed in like manner as above preſcribed: And the Treaſurer is hereby authorized in like manner as above directed, to pay to the perſon adminiſtering the government of this State for the time being, his ſaid ſalary for the preſent year, and likewiſe to retain in his own hands the ſalary which will be due to himſelf for the preſent year, by virtue of this act, without any ſuch certificate; and if any of the ſaid officers, ſhall ceaſe to hold any of their reſpective offices, before the firſt day of July next, their ſaid ſalaries ſhall be computed as growing due to them for ſuch time as they may hold their ſaid offices reſpectively.

Said ſalaries to be paid on the like certificates as aforeſaid.

And be it further enacted, That for the preſent ſeſſion, and at every ſeſſion of the legiſlature in every year hereafter, the Preſident of the Senate and Speaker of the Houſe of Aſſembly ſhall each be entitled to receive thirty ſhillings for every day he ſhall attend in his ſtation, and that each member of the Senate and Aſſembly ſhall be entitled to receive twenty ſhillings for every day he ſhall attend either of the ſaid houſes reſpectively; and the like compenſation to the Preſident of the Senate, the Speaker of the Aſſembly, and to the other members of the legiſlature, for every thirty miles of the diſtance from the place of his reſidence, to the place of the meeting of the legiſlature; and ſuch diſtance ſhall be eſtimated by the moſt uſual road, and ſhall be computed both for travelling to and returning from the place of their ſaid meeting; and if any member of the Senate or Aſſembly ſhall, after his arrival at the place of their ſaid meeting, be prevented by ſickneſs from attending either of the ſaid houſes reſpectively, he ſhall be entitled to the like daily allowance as aforeſaid, for every day he ſhall be ſo prevented, and the treaſurer is hereby authorized to pay ſuch ſum as may ſo become due to each member reſpectively, upon the receipt of a certificate ſigned by the Preſident of the Senate or the Speaker of the Aſſembly, as the caſe may be, ſetting forth the number of days that the member, in whoſe favor it ſhall be given, may have attended either houſe reſpectively, and the eſtimated diſtance of his place of reſidence, from the place of the meeting of the legiſlature, and the ſum or ſums of money that may have become due unto him on that account. And the compenſation which may ſo become due to the Preſident of the Senate, and the Speaker of the Aſſembly, ſhall be certified in the like manner by the Clerk of the Senate and the Clerk of the Aſſembly reſpectively.

Thirty ſhillings per day to be allowed to the preſident of the ſenate and ſpeaker of the aſſembly, and twenty ſhillings per day to each member of the legiſlature forever hereafter, for every day they ſhall attend the legiſlature.

And treaſurer to pay the ſame upon a certain certificate being produced.

And be it further enacted, That for the preſent year, and in every year hereafter, there ſhall be allowed and paid to each of the Clerks of the Senate and Aſſembly, the ſum of thirty ſhillings per day, for their reſpective ſervices during the ſeſſions of the legiſlature; and alſo the amount of ſuch ſums of money as ſhall be advanced by them reſpectively, for the uſe of the Senate and Aſſembly, during their ſeſſions, agreeably to ſuch certificate thereof as they ſhall reſpectively produce, certified by the Preſident of the Senate or the Speaker of the Aſſembly, as the caſe may require; and in like manner there ſhall be allowed and paid to the ſerjeant at arms, and the door-keepers of the Senate and Aſſembly, each the ſum of ſixteen ſhillings for every day they ſhall attend the legiſlature, agreeably to ſuch certificate thereof, as they ſhall reſpectively produce, certified by the Preſident of the Senate, or the Speaker of the Aſſembly, as the caſe may require; which ſeveral compenſations and ſums of money the treaſurer is hereby authorized to pay, upon the receipt of the ſeveral certificates laſt above mentioned.

Thirty ſhillings per day to be allowed and paid to each of the clerks of the ſenate and aſſembly forever hereafter, together with the amount of monies by them advanced.

And to the door-keepers and ſergeant at arms, 16s. per day.

And be it further enacted, That for the preſent year, and in every year hereafter, the members of the council of appointment, for each day of their attendance in Council, during the receſs of the legiſlature, and for travelling from and to their reſpective places of reſidence, ſhall be entitled to the like compenſation as hath been before preſcribed for the members of the legiſlature; and the treaſurer is hereby authorized to pay the ſums that may ſo become due to them reſpectively, upon the receipt of a certificate or certificates, ſigned by the perſon adminiſtering the government of this State for the time being, ſetting forth the number of days that they may have ſeverally attended in Council, and the diſtance of their ſeveral places of reſidence from the place of their meeting, and the ſums due to them ſeverally on that account.

To the members of the council of appointment for each day of their attendance during the receſs of the legiſlature, 20s.

And be it further enacted, That the treaſurer ſhall, for the preſent year and in every year hereafter, pay the following ſums to the perſons herein after mentioned: To the perſon adminiſtering the government of this State for the time being, the ſum of ſix hundred and forty pounds in ſpecie, to be by him paid to the Oneida, Onondaga, and Cayuga tribes of Indians; it being the amount of the annuities payable to them in purſuance of certain treaties heretofore concluded between them and commiſſioners appointed for that purpoſe, on the part of the State; and alſo ſuch ſums of money for incidental charges attending Indian affairs, as by warrant under his hand and the privy ſeal of the State, he ſhall draw from the treaſury, not exceeding in the whole the ſum of two hundred pounds

Treaſurer to pay the following ſums yearly to the following perſons

To the governor, £501 to pay certain annuities to certain tribes of Indians.

And the further ſum of £200l. for incidental charges relating to Indian affairs.

in any one year. To the Secretary of the State, for his ſervices in recording the laws, for making copies thereof with marginal notes for the preſs, and making copies thereof by the direction of the Governor, or of the Senate and Aſſembly, and for engroſſing the minutes of the Council of Appointment, after the rate of one ſhilling and ſix pence per ſheet, each ſheet to conſiſt of one hundred and twenty eight words; and for every commiſſion of oyer and terminer and general gaol delivery, and general commiſſion of the peace, iſſued in any year, the ſum of twenty ſhillings, agreeably to ſuch accounts thereof as he ſhall produce, audited by the auditor of this State. And it ſhall be lawful for the treaſurer to retain in his own hands ſuch ſums of money as he ſhall neceſſarily expend in defraying the incidental charges of his office, agreeably to ſuch accounts thereof as ſhall be audited by the auditor of this State.

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To the ſecretary of the ſtate, for copying and recording the laws, &c. the amount of his account, to be audited by the auditor.

Treaſurer yearly to retain in his hands the expences of his office.

Provided that ſuch ſum or ſums of money ſhall not in the whole exceed the ſum of five hundred pounds in any one year.

Proviſo.

And be it further enacted, That the ſeveral ſums of money directed to be paid annually by this act, ſhall, for the preſent year, be paid out of any monies which may be or may come into the treaſury; any law to the contrary notwithſtanding. And from and after the firſt day of July next, ſhall be payable out of any revenue now ariſing, or that may hereafter ariſe from any of the funded debt of the United States, belonging to the people of this State; or from any monies loaned by this State, in conformity to law, or from any revenue ariſing to the people of this State, in any manner whatever. And the ſaid annual revenue, or ſo much thereof as ſhall be neceſſary for that purpoſe, ſhall, from and after the firſt day of July next, be and is hereby appropriated for the purpoſe of paying the ſeveral ſums of money by this act directed to be paid.

Said ſeveral ſums directed to be paid annually, to be paid out of certain revenues.

CHAP. LXIV.

An ACT *to continue an Act entitled "An Act granting a bounty on Hemp, to be raiſed within this State.*

Paſſed the 11th of April, 1792.

BE it enacted, *by the People of the State of New-York, repreſented in Senate and Aſſembly*, That the act entitled "An act granting a bounty on hemp, to be raiſed within this State," be, and the ſame is hereby continued in full force and virtue, to all intents and purpoſes, and that the bounty therein mentioned, ſhall be allowed and paid upon all ſuch hemp as in the ſame act is deſcribed, which ſhall be raiſed within this State, and brought to the city of New-York, before the firſt day of June one thouſand ſeven hundred and ninety-five.

Act relating to a bounty on hemp, declared to be continued for a certain time.

CHAP. LXV.

An ACT *for the relief of John Van Renſſelaer and others.*

Paſſed the 11th of April, 1792.

BE it enacted, *by the People of the State of New-York, repreſented in Senate and Aſſembly*, That it ſhall and may be lawful for the Treaſurer of this State, and he is hereby required, on making a ſettlement with the ſaid John Van Renſſelaer, to give him credit for the amount of ſuch certificates, as ſhall appear to the ſaid Treaſurer, to have been delivered by the ſaid John Van Renſſelaer or his agents, to the militia of the regiment commanded by Colonel Peter Yates, and of which he was Lieutenant-Colonel in the late war, for which he ſhall produce receipts or affidavits of ſuch delivery or payment having been made, upon his entering into bond with ſufficient ſecurity to the ſaid Treaſurer, in ſuch ſum as the ſaid Treaſurer ſhall deem ſufficient, conditioned, that the ſaid John Van Renſſelaer ſhall ſave and keep harmleſs this State, from any demands which ſhall or may be made againſt the ſaid Treaſurer, for any ſervices by him or them done as officers or privates, in the militia belonging to the ſaid regiment, and for which the ſaid John Van Renſſelaer received the certificates as aforeſaid.

Treaſurer directed how to ſettle with John Van Renſſelaer, for certain certificates given to him for the pay of Peter Yates's regiment.

And be it further enacted, That the relief intended by the preceding ſection of this act, to the ſaid John Van Renſſelaer ſhall be and is hereby extended to Philip P. Schuyler, late a Colonel of militia in the county of Albany.

Same ſettlement to be made with Philip P. Schuyler.

And be it further enacted, That the ſaid Treaſurer ſhall, and is hereby required to ſtay further proceedings againſt the ſaid John Van Renſſelaer and Philip P. Schuyler for the term of ſix months from the time of the paſſing of this act.

Treaſurer to ſtay any further proceedings againſt them.

And whereas it is repreſented to the legiſlature that Philip Pelton, Benjamin Pelton and Daniel Pelton purchaſed from the commiſſioners of forfeitures for the middle diſtrict, a parcel of land in Dutcheſs County ſuppoſed to have become forfeited by the conviction of Tertullus Dickinſon, and that it has been ſince diſcovered that he never was convicted and that ſuits have been brought and are now depending for the recovery of the ſaid lands: Therefore,

Reciting that Philip Pelton and Benjamin Pelton purchaſed ſome land ſuppoſed to be forfeited by the attainder of Tertullus Dickenſon, and that ſuits have been brought againſt them for the recovery of ſaid land.

Be it further enacted, That the Attorney-General ſhall be and hereby is directed to examine into the matters aforeſaid and if he ſhall find that the people of this State had no right to the ſaid lands, he ſhall give a certificate thereof, and upon producing ſuch certificate to the Treaſurer and conveying the right under the ſaid conveyance from the ſaid commiſſioners to the people of this State and delivering the ſame to the Treaſurer, he ſhall pay to the preſent proprietor who now holds under the State the ſum received by the ſaid commiſſioners upon the ſaid ſale together with the coſts accrued in the defence of the ſaid ſuits.

Attorney-general to enquire into the matter, and if he finds the ſtate had no right in ſaid land, then the treaſurer to repay the ſaid Peltons for the ſame.

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CHAP. LXVI.

An ACT *for the relief of Baſs Chard, Samuel Hatch and others.*

Paſſed the 11th of April, 1792.

Preamble, reciting that Baſs Chard and others have obtained a patent for the Iſle La Mott, in Lake Champlain.

WHEREAS Baſs Chard, Samuel Hatch, William Lawrance, William Richardſon, Pliney Moore, Stephen Kidder, David Colver, Samuel Foſter, Shadrick Doty and John Commell, have by their petition preſented to the legiſlature, ſet forth that they did with claſs right certificates locate *the Iſle La Mott* in Lake Champlain, late in the county of Waſhington, containing four thouſand eight hundred and eighty-three acres, for which location letters patent under the great ſeal of this State, iſſued the twenty-ſeventh day of June one thouſand ſeven hundred and eighty-ſix.

And that the ſame is now ceded to Vermont.

And whereas the ſaid *Iſle La Mott* is now ceded by this State, to the State of Vermont, and the title thereof become of no effect: Therefore,

Land-office to grant to ſaid Baſs Chard and others the like quantity of land as is contained in ſaid patent, in lieu of ſaid Iſle La Mott.

And if any of the ſaid patentees have ſold their right therein, then to the perſon to whom they have ſold.

Be it enacted *by the People of the State of New-York, repreſented in Senate and Aſſembly,* That the commiſſioners of the land office are hereby authorized and required to grant letters patent to the ſaid Baſs Chard, Samuel Hatch, William Lawrance, William Richardſon, Pliney Moore, Stephen Kidder, David Colver, Samuel Foſter, Shadrick Doty, and John Commell, or their aſſigns, for four thouſand eight hundred and eighty three acres of any of the unappropriated land belonging to the people of this State, in lieu of the ſaid Iſle La Mott, and in caſe they or either of them ſhall have ſold and alined the ſame, then to the perſon or perſons to whom the ſame ſhall have been ſold, and to his or their heirs and aſſigns; and in order that the ſame may be known, public notice ſhall be given by the ſaid perſons above named, in the newſpaper of the Printer to this State, printed in the city of New-York, and in one other newſpaper printed in the city of Albany, for ten weeks ſucceſſively, notifying all perſons of an application for ſuch patent, in lieu of the lands included in the ſaid Iſle La Mott; and ſuch patent as is directed in and by this act ſhall not iſſue until ſuch publication ſhall have been regularly made as aforeſaid.

Proviſo.

Provided, that the perſons entitled to any part of the ſaid Iſle La Mott, under the ſaid letters patent, ſhall reſpectively in due form of law convey to the people of the State of New-York all his and their right, title, intereſt, claim and demand, of, in, and to the ſaid Iſle La Mott, and depoſit all the conveyances for the ſame in the office of the ſecretary of this State, before any letters patent ſhall iſſue to them reſpectively in virtue of this act.

Reciting that John Reghtmire and Chriſtian Petrie before the war purchaſed the Indian right to certain lands.

And whereas it appears to the legiſlature, that John Reghtmire and Chriſtian Petrie did purchaſe from the Indian proprietors a certain tract of land, previous to the late war, on which they have made improvements, and now reſide, for which lands they have no title. Therefore,

Commiſſioners of the land-office to grant them a patent for the ſame.

Be it enacted *by the People of the State of New-York, repreſented in Senate and Aſſembly,* That the commiſſioners of the land-office, are hereby authorized and required, to iſſue letters patent to the ſaid John Reghtmire and Chriſtian Petrie, and to their reſpective heirs and aſſigns, as tenants in common for all the land ſo purchaſed, and now by them actually poſſeſſed, not exceeding five hundred acres.

Proviſo.

Provided, That the ſaid John Reghtmire and Chriſtian Petrie, pay to the ſaid commiſſioners, for the uſe of the people of this State, the ſum of one ſhilling per acre.

Land-office to grant a certain quantity of land to Jellis D. Van Vorſt.

And be it further enacted, That it ſhall and may be lawful for the commiſſioners of the land-office, to grant in fee ſimple by letters patent to Jellis D. Van Vorſt, late a ſoldier in the regiment commanded by Seth Warner, the like quantity of bounty lands as has been granted to ſoldiers in the troops of the line of this State, lately ſerving in the army of the United States.

Treaſurer to pay the amount of certain accounts for a ſupply of corn to the Six Nations of Indians.

And be it further enacted, That the Treaſurer pay ſuch accounts as ſhall be audited by the auditor for this State, for a ſupply of Indian Corn to the ſix nations of Indians, and for blankets and clothing furniſhed to certain of the Oneida Indians, in purſuance of concurrent reſolutions of the Senate and Aſſembly, in their preſent ſeſſion.

CHAP. LXVII.

An ACT *for the better ſupport of the Hoſpital in the City of New-York.*

Paſſed the 11th April, 1792.

Treaſurer of the ſtate to pay to the treaſurer of the hoſpital in New-York, for the uſe thereof, annually, the ſum of 2000l. for five years.

BE it enacted *by the People of the State of New-York, repreſented in Senate and Aſſembly and it is hereby enacted by the authority of the ſame,* That it ſhall and may be lawful, for the treaſurer of this State, for the time being, and he is hereby directed to pay to the treaſurer for the time being, of the ſociety of the Hoſpital in the city of New-York, in America, for the uſe of that corporation, out of any monies then in the treaſury of this State, not otherwiſe appropriated, the ſum of two thouſand pounds annually, for and during the term of five years, to be computed from the firſt day of February laſt, which ſum of two thouſand pounds, ſo to be paid, ſhall become chargeable upon the duty laid or to be laid on ſales at vendue or auction.

CHAP. LXVIII.

An ACT *to permit certain Perſons to return to and reſide within this State, and to repeal a clauſe of the Act therein mentioned.*

Paſſed the 11th of April, 1792.

All the perſons named in the confiſcation law, and who have been baniſhed from this ſtate, permitted to return.

BE it enacted *by the People of the State of New-York, repreſented in Senate and Aſſembly,* That the ſeveral perſons named in the act, entitled "An act for the forfeiture and ſale of the eſtates of perſons who have adhered to the enemies of this State, and for declaring the ſovereignty of the people of this State, in reſpect to all property within the ſame," and who have

been banished from this State by virtue of the second section of the said act, shall be and hereby are permitted to return to and reside within this State, any thing in the said act to the contrary notwithstanding.

Proviso.

Provided always, That such permission shall not be construed in any wise to affect the title of the people of this State, to any property vested in them by virtue of such banishment, or by virtue of any forfeiture under the said act.

26th section of the election law repealed.

And be it further enacted, That the twenty sixth section of the act, entitled "An act for regulating elections," shall be and hereby is repealed.

CHAP. LXIX.

An ACT *to encourage Literature by Donations to Columbia College, and to the several Acadamies in the State.* *Passed the 11th of April*, 1792.

Preamble, reciting that the funds of Columbia college have been so reduced as to render it impracticable for the trustees to defray certain necessary expences, &c.

WHEREAS it has been represented to the legislature, that the funds of Columbia College in this State, have in consequence of events which took place during the late war been so far diminished, as to render it impracticable for the trustees to defray certain necessary expences which have accrued to the College in consequence of the alterations in the streets of the city of New-York, and to repair the losses which the College sustained during the late war with respect to its library, and to incur such further expences as would render the seminary more extensively useful, without pecuniary aid from the legislature: For remedy whereof

The certain sums herein mentioned, to be allowed and paid to the trustees of said college, for certain purposes.

Be it enacted *by the People of the State of New-York, represented in Senate and Assembly*, That there shall be allowed and paid to the trustees of Columbia College or their order, for the use of the institution, the sum of fifteen hundred pounds, for the purpose of enlarging its library, and the sum of two hundred pounds for a chemical apparatus; and the sum of twelve hundred pounds for the purpose of building a wall necessary to support the grounds of the College, and the further sum of five thousand pounds for the purpose of erecting a hall and an additional wing to the College pursuant to the original plan of the institution; and the treasurer is hereby authorized to pay the said respective sums out of such monies as may be or may come into the treasury, of the annual revenue of the State, and which may not be appropriated for the purpose of supporting government or satisfying claims against the State, or for compleating the sum of two hundred thousand pounds to be loaned in the several counties of this State, by virtue of the act, entitled "An act for loaning monies belonging to this State."

And the treasurer of the state directed how to pay the same.

Treasurer to pay the regents of the University 1,500l. annually for five years.

To be by them distributed among the several acadamies in this State.

And be it further enacted, That the treasurer shall annually pay out of the like monies as above described, as shall or may come into the treasury, the sum of fifteen hundred pounds to the regents of the University or their order, for the term of five years unless otherwise directed by the legislature, for the purpose of being by them distributed among such and so many of the several Acadamies as now are or hereafter may be erected in this State, during the said terms in such proportions, and to be appropriated in such manner as they shall judge most beneficial, for the several Acadamies and most advantageous to literature.

Treasurer to pay trustees of Columbia College, 750l. annually for five years.

And be it further enacted, That the treasurer shall annually for five years, unless otherwise directed by the legislature, pay to the trustees of Columbia college, or their order, out of the like monies as above described, the sum of seven hundred and fifty pounds, to be applied to the payment of the salaries of such additional professors in the said college, as the said trustees shall think proper to appoint.

CHAP. LXX.

An ACT *relative to Lands in the Town of Chemung.* *Passed the 11th of April*, 1692.

Commissioners of the land office to grant lands to any person in the town of Chemung entitled to the same.

Be it enacted *by the People of the State of New-York, represented in Senate and Assembly*, That it shall and may be lawful for the commissioners of the land-office, and they are hereby authorized and required to grant unto any person or persons, or their legal representatives, the lands to which they are respectively entitled by the act entitled, "An act for granting certain lands in the town of Chemung.

Proviso.

Provided, That the person applying for such grant hath already paid into the Treasury of this State the money or certificates which by the said act was required to be paid therefor.

CHAP. LXXI.

An ACT *to grant an additional Compensation to the Loan Officers for the Counties of Albany and Montgomery, and relating to the Loan-Offices of the said Counties.* *Passed the 11th of April*, 1792.

Loan officers of Albany county appointed in pursuance of a certain act, allowed an additional compensation for their additional services, occasioned by a division of the county.

Be it enacted *by the People of the State of New-York, represented in Senate and Assembly*, That the loan-officers of the county of Albany, appointed in pursuance of the act entitled, "An act for emitting the sum of two hundred thousand pounds in bills of credit, for the purposes therein mentioned, shall, from and after the passing of this act, annually retain in their hands each the additional sum of ten pounds, out of the interest monies paid to them, as compensation for their additional services occasioned by the division of the said county.

Loan officers of Montgomery appointed as above, also allowed an additional compensation.

And be it further enacted, That the loan-officers of the county of Montgomery, appointed in pursuance of the act aforesaid, shall, from and after the passing of this act, annually retain in their hands, each the sum of ten pounds, of the interest monies paid to them, as

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Supervisors of the several counties herein mentioned to appoint one or more supervisors to examine the mortgages minutes and accounts of the loan officers appointed in Albany and Montgomery.

a compensation for their additional services occasioned by the division of the said county; any thing contained in the act aforesaid to the contrary notwithstanding.

And be it further enacted, That it shall and may be lawful for the supervisors of the counties of Rensselaer, Saratoga, Columbia, Otsego, and Herkemer, at each and every of their annual meetings, in their respective counties, to appoint one or more of the supervisors of the respective counties above mentioned (whose duty it shall be) to attend at any of the meetings directed by the twenty eighth and twenty ninth sections of the act entitled, "An act for emitting the sum of two hundred thousand pounds in bills of credit for the purposes therein mentioned," for inspecting and examining the mortgages, minutes, and accounts of the loan officers appointed in the counties of Albany and Montgomery respectively, under the act aforesaid. And that one of the judges and the supervisor or supervisors so nominated and appointed as aforesaid, of each respective county, shall be sufficient for the purposes in said sections of the act above mentioned; any law to the contrary thereof in any wise notwithstanding.

Supervisors so appointed subject to a penalty for non attendance.

And be it further enacted, That the supervisor or supervisors, so nominated and appointed as aforesaid, in case of his or their non-attendance, shall be subject to the like penalties as in and by the said sections of the act last mentioned they are made liable to respectively; and it shall and may be lawful for the judges who shall attend, instead of issuing their said precept for convening all the judges and supervisors in the said counties, and it is hereby declared sufficient for the judges aforesaid to cause one of the supervisors and one judge in each of the said new counties to be summoned in manner as is directed in and by the said two sections of the act aforesaid, and under the like penalties; and a majority of the supervisors and one of the judges in the counties of Albany and Montgomery, together with one supervisor and one of the judges of each of the other counties respectively, to do and perform every act and thing relating to the examining and settling the accounts of the loan-officers in the said counties of Albany and Montgomery respectively, as fully and effectually, to all intents and purposes, as if the whole number or a mrjority of such supervisors and judges in the said new counties had been present.

CHAP. LXXII.

An ACT *for appointing Electors in this State, for the Election of a President and Vice President of the United States of America.* *Passed the 12th of April*, 1792.

Preamble, reciting a certain act of congress relative to the electors for electing of a President and Vice-President of the United States.

WHEREAS, by an act of the Congress of the United States, entitled, "An act relative to the election of a President and Vice President of the United States, and declaring the officer who shall act as President in case of vacancies, in the offices both of President and Vice President," it is provided that electors shall be appointed in each State for the election of a President and Vice President of the United States, within thirty four days preceding the first Wednesday of December one thousand seven hundred and ninety two, and within thirty four days preceding the first Wednesday of December in every fourth year succeeding the last election: *And whereas* the time within which the appointment of electors is to be made, and their votes given is too short to admit of their being chosen by the people of this State: Therefore,

Said electors how to be appointed in this State.

Be it enacted *by the People of the State of New-York, represented in Senate and Assembly, and it is hereby enacted by the authority of the same*, That electors shall be appointed in this State for the election of a President and Vice President of the United States, in the manner provided by the constitution of this State for appointment of Delegates to represent this State in the then General Congress of the United States of America, and that the legislature shall meet for that purpose on the first Tuesday of November next, and the electors shall meet and give their votes at the court-house at Poughkeepsie, in Dutchess county, at the time and in the manner directed in and by the said act of Congress, and then and there do, execute, and perform every act, matter, and thing necessary to be done by them by virtue of the said act.

And when appointed where to meet to execute their duties.

Said election to be taken in proportion as nearly as may be from the four great districts of this state.

And be it further enacted by the authority aforesaid, That the electors chosen as aforesaid shall be taken from the four great districts of this State, as near as may be in the following proportion, that is to say, at and after the rate of four from the southern, three from the middle, three from the western, and three from the eastern district, which shall continue to be the ratio until another census shall be taken under the authority of this State.

Governor after the electors are appointed to notify them immediately of such appointment.

And be it further enacted by the authority aforesaid, That the person administering the government of this State for the time being immediately after an appointment of electors as aforesaid, shall by express at the expence of this State, cause notice of such appointment to be given to each of the persons so appointed, and shall also on or before the day of meeting of the electors cause such lists of the names of the electors to be delivered to them, as is directed by the said act of Congress.

When an extraordinary election for President and Vice-President shall happen, governor to call the legislature to appoint electors.

And be it further enacted by the authority aforesaid, That whenever an election of a President and Vice-President shall become necessary, prior to the ordinary period, the person administering the government of this State for the time being, shall by proclamation convene the legislature of this State on the first Tuesday of November thereafter, in order that electors may be appointed for the purpose.

CHAP. LXXIII.

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An ACT *for the relief of the Indians residing in New-Stockbridge and Brothertown.*

Passed the 12th April, 1792.

BE it enacted *by the people of the State of New-York represented in Senate and Assembly, and it is hereby enacted by the authority of the same*, That it shall and may be lawful for the male Indians residing in and being inhabitants of New-Stockbridge, above the age of twenty-one years, on the first Tuesday in may next, and on the first Tuesday of May in every year thereafter, during the continuance of this act, to meet together and by a plurality of votes to choose a clerk, whose business shall be to preside at such meetings and to enter into a book by him to be kept for that purpose, such proceedings of the said meetings, as are by this act directed.

Male Indians of Brother Town to assemble on the first Tuesday in May yearly, and choose a clerk to preside at their meetings and enter their proceedings in a book.

And be it further enacted by the authority aforesaid, That it shall and may be lawful for the said Indians so assembled, to elect a person to be called a Marshall whose business it shall be to execute the orders of the *peace makers* hereafter directed to be chosen.

And to choose a marshall.

And be it further enacted by the authority aforesaid, That it shall and may be lawful for the said Indians so assembled, annually to choose three persons to be called *peace makers*, whose business it shall be to lay out such parcel or parcels of land as shall be agreed on by a plurality of votes at any such meeting for the separate improvement of each person or family, to be by the said *peace makers* marked and described, and a description thereof made in writing by them and delivered to the clerk, who is to enter the same in his said book.

And to choose three persons to be called peace-makers, to lay out and apportion their lands among them

And be it further enacted by the authority aforesaid, That each person having a separate improvement allotted to him or her as aforesaid, the same shall be and remain, to such person or persons and their legal representatives without the power of alienation, and the person or persons so possessed, may bring and maintain an action for any trespass committed on such possession by any white man, Indian, or any other person whomsoever.

And the land alloted to each person to remain to him and his legal representatives.

And be it further enacted by the authority aforesaid, That it shall and may be lawful for the said peace makers, to bring actions in their own name for trespasses committed on any of the undivided lands in New-Stockbridge aforesaid, and not by them allotted by particular persons as aforesaid, before any court of justice having cognizance of the same against any white person, Indian, or other person whomsoever.

Peace-makers may bring suits for trespasses, in their own names on any of the land in new Stockbridge not particularly allotted by them.

And be it further enacted by the authority aforesaid, That it shall and may be lawful for the said peace makers, on complaint made to them by any Indian, being an inhabitant of the said towns, against any such inhabitant, for any trespass, debt or demand, the said peace makers shall direct the Marshall to cause the parties to come before them with their witnesses, and after having heard them, shall give judgment according to the best of their understanding, and shall advise the parties to comply with their said judgment, but in case they or either of them shall neglect or refuse so to do, the said peace makers shall then commit their said judgment to writing, and cause the same to be entered in the town book aforesaid, and the party in whose favor such judgment shall be given, may recover the same as a judgment of record in any court having cognizance of the same: *Provided*, that no such judgment shall exceed the sum of five pounds.

Peace-makers by the marshall, to cause any inhabitant to come before them to answer any trespass, debt or demand, and may give judgment thereon, &c.

And be it further enacted by the authority aforesaid, That it shall and may be lawful for the said peace makers as often as they shall judge it necessary to call a meeting of the said inhabitants, at such time and place as they shall direct, for the purpose of determining on the laying out of the lands for separate improvements, or any other business which they may judge necessary in pursuance of this act.

Peace-makers may call meetings of the inhabitants, for the purpose of laying out the lands for separate improvement.

And be it further enacted by the authority aforesaid, That it shall and may be lawful for the said inhabitants at any of their said public meetings, by a majority of votes, to admit any Indian or Indians of any other tribe or nation to become an inhabitant or inhabitants of the said town, to enjoy equal privileges with the other Indians of the same town, the votes respecting the admission of such person or persons to be first entered in the clerk's book.

And the said inhabitants may by a majority of votes, admit any Indians of other tribes to reside among them.

And be it further enacted by the authority aforesaid, That it shall and may be lawful for any inhabitant, having lands allotted to him or her as aforesaid, to sell the improvement thereof to any other Indians or Indians and his or her assigns, being Indians of the said town, which sales shall be entered in the clerk's book of the said town.

Any Indian may sell the improvement on the land allotted to him to any other Indian.

And be it further enacted by the authority aforesaid, That the said peace makers, shall lay out such roads or highways in the said town, as a majority of the inhabitants, at any of their public meetings shall direct; and to order such of the inhabitants of the said town, and so many of them from time to time to work on the roads or highways, and for so many days as shall be directed by a majority as aforesaid at a public meeting.

Peace-makers to lay out the roads in said towns and to order the inhabitants to work on them.

And be it further enacted by the authority aforesaid, That any two of the said peace makers shall be a quorum to transact any business enjoined on them by this act.

Two of the peace-makers to be a quorum.

And be it further enacted by the authority aforesaid, That it shall and may be lawful for the said inhabitants of Brother-Town by a majority of votes, to adjourn their annual meetings from time to time as they may judge proper.

Inhabitants may adjourn their meetings from time to time.

And be it further enacted by the authority aforesaid, That it shall and may be lawful for such justice of the peace of the county of Herkemer, as the inhabitants of New-Stockbridge shall invite, to preside at their first meeting to be held in pursuance of this act.

Who is to preside at their first meeting.

And be it further enacted by the authority aforesaid, That the act entitled "An act for the relief of the Indians residing in Brother Town and New-Stockbridge," so far as the same relates to the said Indians residing in New-Stockbridge, excepting the last clause be and the same is hereby repealed.

Part of a certain act for the relief of said Indians, repealed.

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Governor to remove all white persons from said town in such manner as he may judge proper.

And be it further enacted by the authority aforesaid, That it shall be and it is hereby made the duty of his Excellency the Governor, by such ways and means, as he shall judge proper, to remove all such white persons from Brother-Town, who reside and hold lands there by any lease or leases or other title from any Indian or Indians, other than such leases as have been or hereafter shall be made in pursuance of the several laws of this State.

Land office to cause Brother Town to be surveyed.

And be it further enacted by the authority aforesaid, That the commissioners of the land office shall give the necessary directions for running out the bounds of Brother-Town at the expence of this State.

CHAP. LXXIV.

An ACT *for the relief of Mary Heathcote Muirson.*

Passed the 12th of April, 1792.

Preamble, reciting that Mary Heathcote Murison hath suggested that a part of her fathers estate which was forfeited has not been accounted for at the treasury.

WHEREAS Mary Heathcote Muirson, the daughter of George Muirson, late of Suffolk county, Esquire, hath by her petition set forth, that she has reason to believe that some part of her late father's estate, the whole of which was forfeited to, and became vested in the people of this State, hath not been accounted for at the treasury of this State; and in her said petition did pray that she might be enabled by law, to sue for and recover the same to her own use: Therefore.

And prayed that she might recover the same for her own use.

All the estate of George Murison so forfeited which has not been accounted for at the treasury, declared to be vested in said Mary Heathcote Murison.

Be it enacted *by the People of the State of New-York, represented in Senate and Assembly, and it is hereby enacted by the authority of the same*, That all the estate real and personal, both in law and equity, either in possession, reversion, or remainder of George Muirson, late of Suffolk county, Esquire, which was forfeited to and became vested in the people of this State by virtue of the act entitled, "An act for the forfeiture and sale of the estates of persons who have adhered to the enemies of this State, and for declaring the sovereignty of the people of this State in respect to all property within the same," and which hath not come to the possession of any of the commissioners of forfeitures within this State, or hath not been paid into the treasury of this State, shall be, and the same is hereby declared to be vested in Mary Heathcote, Muirson the daughter of the said George Muirson. And that it shall be lawful for the said Mary, in her own name, and to her own use, to sue for and recover the same in any court of law or equity within this State. *Provided* that this act shall not extend to any debts or demands remitted by the fifth section of the act entitled, "An act relating to the forfeited estates." *Provided also*, That this act shall not extend to any real estate sold by the said George Muirson or any of his sons.

And that she may in her own name recover the same.

Proviso.

END OF THE FIFTEENTH SESSION.

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